

# EXHIBIT 1

Evidentiary Hearing Transcript

JUDICIAL ARBITRATION AND MEDIATION SERVICES  
(JAMS)

1	KARL HANSEN,	)	
2		)	
3	Complainant,	)	JAMS REFERENCE NO.
4		)	1260005897
5	v.	)	
6	ELON MUSK; TESLA, INC., TESLA	)	
7	MOTORS, INC.; and U.S.	)	
8	SECURITY ASSOCIATES,	)	
9	Respondents.	)	
10	_____	)	

\*REVISED\*

EVIDENTIARY HEARING

MONDAY, APRIL 11, 2022

VOLUME 1

On Monday, April 11, 2022, the  
following proceedings came on to be heard in the  
above-entitled and -numbered cause before Judge  
Carl (Bill) Hoffman (Ret.).

Proceedings were reported by stenographic method  
by: DEBRA A. DIBBLE, RDR, CRR, CRC  
Job #: 208973

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2

3 ARBITRATOR:

4 Judge Carl (Bill) W. Hoffman (Ret.)

5

6 FOR THE CLAIMANT:

7 THE EMPLOYMENT LAW GROUP

8 BY: NICHOLAS WOODFIELD, ESQ.

9 R. SCOTT OSWALD, ESQ.

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11 Washington, DC 20006

12

13 FOR THE RESPONDENT:

14 SEYFARTH SHAW

15 BY: CHRISTOPHER ROBERTSON, ESQ.

16 ANNE DUNNE, ESQ.

17 World Trade Center East

18 Two Seaport Lane

19 Boston, Massachusetts 02210

20

21 Counsel for Elon Musk; Tesla, Inc.; and

22 Tesla Motors, Inc.

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2 -----

3 P R O C E E D I N G S

4 April 11, 2022, 9:12 a.m. PDT

5 -----

6 JUDGE HOFFMAN: We've scheduled four

7 days for the hearing, which seems to me like it

8 will be plenty of time. My review of the witness

9 shows that there are about 12 discrete witnesses,

10 not including the rebuttal witnesses, of course.

11 So I think we're going to have plenty

12 of time to get everybody on, get all of the

13 information on. And nevertheless, I'm going to

14 keep track of the time used by each side. And I

15 would expect that at the end of the hearing, if

16 there's a dispute, each side gets to use half the

17 time to make their presentation. So I'll be

18 keeping track of that. As I said, I don't think

19 that's going to be a problem at all in this case.

20 I have the joint exhibit list, and

21 I've reviewed it. And the way that I'll handle

22 the exhibits is that I will consider exhibits

23 which your witnesses or you have talked about and

24 drawn my attention to. I know in arbitrations

25 like this, I know a lot of times there are loads

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2 MARTENSON HASBROUCK & SIMON

3 BY: JANINE BRAXTON, ESQUIRE

4 ALEX SMITH, ESQ.

5 ROBIN LARGENT, ESQ.

6 455 Capitol Mall

7 Sacramento, California 95814

8

9 Counsel for U.S. Security Associates

10

11 ALSO PRESENT:

12 Karl Hansen

13 Stephanie Stroup

14 Tesla in-house counsel

15

16 Jaime Bodiford

17 Tesla in-house counsel

18 Lisa Flegenheimer

19 Tesla paralegal

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2 of documents that are provided just in case but

3 they're not used. And so I will only consider in

4 my award those exhibits that have been addressed.

5 In order to make sure that I have a

6 good list, what I would ask counsel to do is to

7 identify the exhibit, for example, in talking to

8 a witness, laying a foundation for Exhibit 1,

9 talking about it and then at some time moving to

10 admit the exhibit. By doing that, that gives a

11 clear opportunity for the other side to object

12 and gives me a good opportunity to understand

13 what the objection is. And so that's how we'll

14 proceed.

15 At the end of the hearing, then, I

16 will have built a list of exhibits that have been

17 offered, admitted; and if they're not admitted,

18 I'll have those too and the reason why they were,

19 they were not admitted. The rules of evidence

20 don't apply here. And so I can tell you that I

21 will hear your objection and understand what your

22 objection is, but because the rules of evidence

23 don't apply, often I will say it's admitted and

24 I'll give it the weight that it deserves. You've

25 probably heard that before in arbitration, and

<p style="text-align: right;">Page 6</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 nothing new here.</p> <p>3 I think -- I would like to get an</p> <p>4 understanding of what the -- of what the sequence</p> <p>5 of witnesses is going to be today, just for</p> <p>6 planning purposes. I'd like to work about three</p> <p>7 or four hours in the morning, take about a</p> <p>8 half-hour lunch, and then work the rest of the</p> <p>9 afternoon. But I want to do that. I'm sensitive</p> <p>10 to the idea that we want to have a witness that's</p> <p>11 on the stand, stays on the stand so they can get</p> <p>12 done. And so I appreciate counsel communicating</p> <p>13 back and forth on what your plans are and how</p> <p>14 you're going to present your witnesses.</p> <p>15 Speaking of witnesses, I know that</p> <p>16 there is a motion in limine that's been brought</p> <p>17 by Tesla and the Tesla part of the Respondents,</p> <p>18 objecting to the calling of Elon Musk in this</p> <p>19 case. I've reviewed the motion and the response.</p> <p>20 I don't see anything new in the response, and so</p> <p>21 at this time I'm going to grant the motion in</p> <p>22 limine.</p> <p>23 Obviously if during the case there</p> <p>24 becomes a time, Mr. Woodfield, when you believe</p> <p>25 that your case is stronger to call a different</p>	<p style="text-align: right;">Page 7</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 witness, then, of course, you can renew your</p> <p>3 request to have that witness called. And that</p> <p>4 would be true of Mr. Musk and anybody else who</p> <p>5 might be objected to along the way.</p> <p>6 I guess I want to ask now, do counsel</p> <p>7 have any issues that they'd like to bring up</p> <p>8 before we get started?</p> <p>9 First of all, Mr. Woodfield.</p> <p>10 MR. WOODFIELD: No, I think we've</p> <p>11 ironed them out, Your Honor. I think I can tell</p> <p>12 you a couple of things that counsel have done in</p> <p>13 preparation for the hearing that will expedite</p> <p>14 matters.</p> <p>15 First of all, we have an agreed</p> <p>16 witness order, and we've agreed that we'll call</p> <p>17 the witnesses once and work through them in our</p> <p>18 cross/direct, et cetera, so that we only have to</p> <p>19 use the one time. And the witness order will be</p> <p>20 Mr. Hansen first and then Mr. Nocon today.</p> <p>21 And then we think we'll probably be</p> <p>22 done for the day.</p> <p>23 JUDGE HOFFMAN: Okay.</p> <p>24 MR. WOODFIELD: And then tomorrow,</p> <p>25 we'll start with Mr. German, and then the</p>
<p style="text-align: right;">Page 8</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 complainant's case will rest.</p> <p>3 And then the -- I expect that the</p> <p>4 Respondents will call Ms. Ferrua, Ms. Workman,</p> <p>5 perhaps, and Mr. Mohamed, perhaps, and then we're</p> <p>6 submitting, Nick Gicinto, Jeff Jones, and</p> <p>7 Marshall Sprott, their depositions into the</p> <p>8 record so they can be read. We've just submitted</p> <p>9 them.</p> <p>10 Obviously the first 20 to 30 pages of</p> <p>11 them are, you know, here are the ground rules of</p> <p>12 the depositions. But they're -- those</p> <p>13 individuals are no longer employed by Tesla; so</p> <p>14 rather than going through the rigamarole of</p> <p>15 bringing them in, we figured that you -- rather</p> <p>16 than reading bits of the deposition to you, we'd</p> <p>17 just give them.</p> <p>18 So I personally think, and I think --</p> <p>19 I think the Tesla counsel would concur, but I'll</p> <p>20 leave it up to them, but I think we'll be done by</p> <p>21 close of business tomorrow.</p> <p>22 JUDGE HOFFMAN: Would you give me</p> <p>23 those three names again? It was Gicinto?</p> <p>24 MR. WOODFIELD: Jones and Sprott.</p> <p>25 JUDGE HOFFMAN: Okay. It looks like</p>	<p style="text-align: right;">Page 9</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 we're not going to have a time problem, then.</p> <p>3 Okay. Thank you very much.</p> <p>4 Anything further, Mr. Woodfield?</p> <p>5 MR. WOODFIELD: No, Your Honor.</p> <p>6 JUDGE HOFFMAN: Okay. Counsel for</p> <p>7 Tesla, Mr. Robertson. Any preliminary issues</p> <p>8 you'd like to bring?</p> <p>9 MR. ROBERTSON: No, Your Honor, just</p> <p>10 confirming that we did file through the JAMS</p> <p>11 system this morning the three transcripts. Those</p> <p>12 should be now logged in to the system. And you</p> <p>13 probably had access to most of them from the</p> <p>14 prior motions, but now they're submitted formally</p> <p>15 in this case and in this hearing. So we should</p> <p>16 be fine on that.</p> <p>17 I don't think there's any other</p> <p>18 preliminary matters from us. I appreciate you</p> <p>19 identifying how we'll get documents in. There's</p> <p>20 obviously a lot of exhibits --</p> <p>21 MS. BRAXTON: Janine Braxton on</p> <p>22 behalf of USSA. I don't know that we have</p> <p>23 anything additional to add, and I think that's</p> <p>24 it.</p> <p>25 I guess one thing I didn't hear</p>

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2 discussed is the post-trial -- or excuse me, the  
3 post-hearing briefs. I know that there was some  
4 discussion about this. We would certainly like  
5 to do that.

6 JUDGE HOFFMAN: Why don't we take  
7 that up after we've presented the evidence? I  
8 mean, I certainly don't object to post-hearing  
9 briefs. And since we're going to have a court  
10 reporter taking all of the information, it will  
11 be easier to write the briefs. I understand  
12 that. So let's take that up at the end and see  
13 what the consensus is.

14 Mr. Robertson, I want to be clear in  
15 my notes that you represent Elon Musk, Tesla,  
16 Inc., and Tesla Motors, Inc. Is that right?

17 MR. ROBERTSON: That's correct,  
18 Your Honor.

19 JUDGE HOFFMAN: All right. And then  
20 Ms. Dunne has U.S. Security Associates.

21 MR. ROBERTSON: No, Ms. Dunne is with  
22 me.

23 JUDGE HOFFMAN: Yes, I'm incorrect.  
24 Janine Braxton.

25 MS. BRAXTON: Yes, Janine Braxton,

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2 the law and the -- as it aligns to the facts.  
3 And I'd just point out as we're going forward  
4 what I think are sort of the things that I would  
5 like the arbitrator to be aware of as we proceed.  
6 And I'm just going to show very briefly, because  
7 I anticipate this will take about five minutes.

8 The legal standard on a whistleblower  
9 claim, on a Dodd-Frank, in a SOX claim are the  
10 same because they are the statute, effectively.

11 One, the plaintiff must establish a  
12 prima facie case by proving a preponderance of  
13 the evidence that they engaged in protected  
14 activity, that the employer knew or suspected,  
15 either actually or constructively, that they  
16 engaged in protected activity, that they suffered  
17 an unfavorable personnel or employment action,  
18 and that the protected activity was a  
19 contributing factor in the unfavorable action.

20 Employer may then avoid liability if  
21 it proves by clear and convincing evidence that  
22 the employer would have taken the same personnel  
23 action in the absence of the protected activity.  
24 And that standard was accepted by Kim -- the  
25 Ninth Circuit in Kim versus Boeing, where it said

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2 Robin Largent and Alex Smith. We're all with  
3 Martenson, Hasbrouck & Simon, outside counsel  
4 representing USSA.

5 JUDGE HOFFMAN: Okay. All right.  
6 Thank you. My notes were correct, my  
7 recollection was not.

8 All right. Good. Good. All right.  
9 Well, good. If there's nothing else  
10 preliminarily, then I would invite the sides to  
11 make their opening statement, if you wish,  
12 starting with Mr. Woodfield.

13 MR. WOODFIELD: All right. Thank  
14 you, Your Honor.

15 I'll be brief because I think you're  
16 right and the issues have been narrowed.

17 At this point I don't think there is  
18 a tremendous factual dispute in terms of the  
19 narrative of the facts of the case, and I think  
20 that the narrative of the facts of the case was  
21 pretty well set forth in the motion for summary  
22 judgment, and I think the -- I think the Court,  
23 or the board -- forgive me, the arbitration  
24 panel, will hear it, along the same lines.

25 Really it's what is the -- what is

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2 SOX whistleblower claims are governed by the  
3 burden-shifting procedure, which the plaintiff is  
4 required to make a prima facie case; and then if  
5 the plaintiff meets their burden, the employer  
6 assumes the burden of demonstrating by clear and  
7 convincing evidence that it would have taken the  
8 same adverse employment action in the absence of  
9 the plaintiffs' protected activity.

10 And I point out Kalkunte, because  
11 Kalkunte was the first SOX case that was won, and  
12 it went up through the ARB, and the ARB really  
13 set the standard. It spent a lot of time on it,  
14 and I'm going to tell you it spent a lot of time  
15 briefing it because we wanted to get it right.  
16 It also spent a lot of time getting it right, and  
17 I know that because it was my case.

18 The ARB stated that the respondents  
19 could only avoid liability when it got to the  
20 clear and convincing evidence stage to show that  
21 they discharged the complainant when they did.  
22 Even if she had not engaged in protected  
23 activity, they had to show they would have  
24 discharged her when they did, because the  
25 standard becomes not that they had a reason to

<p style="text-align: right;">Page 14</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 terminate her but that they would have terminated</p> <p>3 her when they did in light of the protected</p> <p>4 activity. And that's similar to the Wheat case</p> <p>5 that I referred you to.</p> <p>6 It's not that they could find a</p> <p>7 reason to terminate her, but you have to look at</p> <p>8 why they terminated her relative to the protected</p> <p>9 activity. And that's the issue I want to</p> <p>10 pull the arbitrator's attention to here, because</p> <p>11 on August 3rd, Karl Hansen, Elon -- e-mailed Elon</p> <p>12 Musk and raised issues about large-scale theft,</p> <p>13 cartel activity, you know, issues of significance</p> <p>14 that he wanted to bring attention to the -- to</p> <p>15 Tesla management's attention, and he wanted to</p> <p>16 put it up on a large scale so that they were</p> <p>17 aware of it.</p> <p>18 Now, Elon Musk was clearly aware of</p> <p>19 this at this point, as was Tesla management,</p> <p>20 because Elon Musk even responded. But</p> <p>21 importantly, Nick Gicinto wrote back saying that</p> <p>22 Yusuf Mohamed, who was an assistant general</p> <p>23 counsel, if I recall, but the head of employer</p> <p>24 relations, was involved in investigation into</p> <p>25 Mr. Hansen's allegations as of August 3rd, along</p>	<p style="text-align: right;">Page 15</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 with Nick Gicinto.</p> <p>3 So as of August 3rd, the time starts.</p> <p>4 The allegations are raised.</p> <p>5 And then there is a TCR filed. The</p> <p>6 TCR is filed with the SEC. Now, this is really</p> <p>7 important. A TCR is a filing with the SEC that</p> <p>8 advises of what an individual believes is a stock</p> <p>9 issue; but what's important here, for people who</p> <p>10 don't do employment law, is when you engage in</p> <p>11 protected activity, there are two forms of</p> <p>12 protected activity under statutes that have</p> <p>13 retaliation clauses. There's participatory</p> <p>14 activity and oppositional activity.</p> <p>15 Oppositional includes opposing</p> <p>16 things, saying I am opposed to this activity,</p> <p>17 filing a complaint. Filing a complaint like a</p> <p>18 TCR is oppositional activity, but it also is</p> <p>19 participatory activity because you are</p> <p>20 participating in the process.</p> <p>21 Once you are participating in the</p> <p>22 process, you cannot then criticize the person for</p> <p>23 their objective and subjective belief. They</p> <p>24 conflate. Someone's belief -- once they're</p> <p>25 participating in the process, you cannot</p>
<p style="text-align: right;">Page 16</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 criticize them for participating in the SEC</p> <p>3 process.</p> <p>4 Now, this is important because</p> <p>5 objective/subjective goes out the window at that</p> <p>6 point. And so the protected activity is there,</p> <p>7 plus, you cannot terminate them for some -- just</p> <p>8 filing a TCR. These are all things I want to</p> <p>9 bring everyone's attention to.</p> <p>10 And then the next thing I want to</p> <p>11 bring attention to, because these are all points</p> <p>12 that I want everyone to know on the way. There</p> <p>13 is this e-mail that I think we've all seen</p> <p>14 several times. This is Kenneth Davis's e-mail.</p> <p>15 Kenneth Davis is a coworker of</p> <p>16 Mr. Hansen. He was a coworker. And he wrote to</p> <p>17 Mr. Musk. And Jeff Jones, who is the head of</p> <p>18 global security, and he wrote about Karl Hansen</p> <p>19 because Karl Hansen was working for USSA. And he</p> <p>20 wrote the e-mail saying, Karl Hansen, SEC</p> <p>21 whistleblower, immediate attention.</p> <p>22 And he said, My name is Ken Davis,</p> <p>23 and I am part of the investigations team at the</p> <p>24 Gigafactory. I wanted to bring your attention to</p> <p>25 what is, to me, a very disturbing observation.</p>	<p style="text-align: right;">Page 17</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 He pointed out that Karl Hansen filed</p> <p>3 an SEC complaint and is still working there, and</p> <p>4 called him effectively a fox -- or a wolf</p> <p>5 guarding the henhouse and talked about how</p> <p>6 horrifying it was that this SEC whistleblower was</p> <p>7 at the threshold of Tesla.</p> <p>8 Now, what's critical about this is it</p> <p>9 goes to Jeff Jones and Elon Musk. And in Tesla's</p> <p>10 interrogatory answers, interrogatory answer</p> <p>11 No. 12 -- and this is on page 9 of 11. It's</p> <p>12 Karl -- it was signed by Nicole White on</p> <p>13 June 4th.</p> <p>14 It was a question:</p> <p>15 Identify and explain in detail any</p> <p>16 complaints or allegations leveled against Hansen</p> <p>17 when he was employed by any Respondent or</p> <p>18 thereafter.</p> <p>19 ANSWER: The Tesla Respondents</p> <p>20 object.</p> <p>21 And then it says on August 23rd,</p> <p>22 Tesla received a report regarding Hansen's</p> <p>23 behavior from Hansen's colleague, Kenneth Davis.</p> <p>24 That's this e-mail. SEC</p> <p>25 whistleblower.</p>

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2 Davis reported witnessing Hansen  
3 violating Tesla policies, including involving  
4 third parties with his investigations and sending  
5 confidential Tesla information to outside e-mail  
6 addresses to be accessed by individuals not  
7 employed by Tesla.  
8 Davis expressed concerns about Hansen  
9 being temporarily placed at the desk of the  
10 Gigafactory. Specifically, Davis cited to the  
11 risks of Hansen possibly having unrestricted  
12 access into Tesla's network, coupled with his  
13 role as a gatekeeper into the Gigafactory after  
14 Davis became concerned about Hansen's erratic and  
15 unauthorized activities and involvement of  
16 individuals outside of Tesla.  
17 As a result of this report, Tesla  
18 reviewed Hansen's employee and contractor e-mail  
19 accounts and found that he forwarded numerous  
20 Tesla internal documents to his personal e-mail  
21 and address in violation of Tesla policies.  
22 During this review, Tesla also determined that  
23 Hansen permanently deleted the contents of his  
24 sent items folders.  
25 Now, what's critical is, on

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2 of Mr. Davis's report means that it cannot meet  
3 its burden by clear and convincing evidence.  
4 Moreover, Tesla, in its supplemental  
5 productions after summary judgment, produced a  
6 partial waiver of the attorney-client privilege  
7 showing that on August 31st, after Mr. Hansen  
8 went on Fox News, that there was a flurry of  
9 activity to get rid of him. There were no  
10 reports that were of any activity going --  
11 ongoing back to August 3rd, pre-dating the TCR.  
12 Everything happened after the TCR.  
13 And so going back to the Wheat case,  
14 it is irrelevant that you can find things that  
15 are terminable activities afterwards if you can't  
16 show why you didn't terminate them beforehand.  
17 Now, Tesla can come back and say,  
18 well, we didn't know about them beforehand; but  
19 the problem is Nick Gicinto, who is a domestic  
20 security person, and Elon Musk knew as of  
21 August 3rd, two weeks before the protected  
22 activity, that there was this issue. And they  
23 could have looked up the e-mails, looked up all  
24 of this issue, but it wasn't an issue.  
25 It only became an issue after the

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2 August 3rd, Nick Gicinto could have investigated  
3 all of these things, employee relations could  
4 have investigated these things. Nothing really  
5 happened. Elon Musk was there. They weren't  
6 that interested in pursuing things.  
7 There was a protected activity, a  
8 complaint of it to Elon Musk. The TCR was filed.  
9 The complaint about it was filed to Elon Musk.  
10 It was escalated to Mr. Davis. And in response,  
11 Tesla said as a result of this report -- and this  
12 is the interrogatory answer. As the result of  
13 Ken Davis's report, Tesla reviewed Hansen's  
14 record.  
15 And if you go back to the standard,  
16 Tesla has to show by clear and convincing  
17 evidence it would have discharged Mr. Hansen when  
18 it did, even if he had not engaged in protected  
19 activity. It engage -- it went after him because  
20 of the report that he had engaged in the  
21 protected activity because of the SEC complaint,  
22 not because he -- well, forgive me. I'm jumbling  
23 my words here -- that it was able to find items  
24 that it could terminate him for is a red herring.  
25 The fact that it dug up the information because

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2 protected activity. And the Wheat case that I  
3 put forward said that it doesn't matter if an  
4 individual is terminated for an act that was  
5 terminable before the protected activity, the  
6 employer then has to explain why it was only  
7 terminable after the protected activity. That is  
8 the same standard that is set forth in Kalkunte  
9 and in the language. So I want to point that out  
10 as we go forward here, because the evidence  
11 really isn't disputed, that Mr. Hansen sent these  
12 things and that Tesla can assert that this is  
13 terminable activity.  
14 The problem they have is that they  
15 didn't terminate him for -- beforehand, before he  
16 engaged in the TCR activity, and therefore they  
17 can't show that it wasn't retaliatory by clear  
18 and convincing evidence.  
19 JUDGE HOFFMAN: Is that it? I was  
20 waiting for a conclusion. Okay. Got it. Thank  
21 you very much. All right.  
22 Would the respondents like to make an  
23 opening statement now or do you reserve that and  
24 would you like to make it a little bit later?  
25 Go ahead.



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2 MR. ROBERTSON: Your Honor, I would  
3 like to make one now. I think I can be very  
4 brief.

5 JUDGE HOFFMAN: Okay.

6 MR. ROBERTSON: First of all, you  
7 know, normally we'd get into an argument about  
8 the lies in closings, not in openings, so I'm  
9 comfortable pushing that discussion off until the  
10 end of the case where it would normally be  
11 discussed. But the one thing you did not hear,  
12 none of us heard, from Mr. Woodfield in his  
13 opening, was any denial of what Mr. Hansen  
14 actually did. Not one. There is absolutely no  
15 dispute in this case that Mr. Hansen sent drafts  
16 of e-mails from his Tesla account to his personal  
17 account.

18 Mr. Woodfield is correct, that is not  
19 in dispute at all. And that information included  
20 badging records, video surveillance footage from  
21 the facility. It included personal information,  
22 including personal phone numbers of contractors  
23 and employees. It included all sorts of  
24 information that he admits, and that he already  
25 admitted and under oath when he was deposed in

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2 and he was terminated from Tesla as part of a RIF  
3 that occurred and he was notified of in June of  
4 2018.

5 And then he was part of a group, not  
6 solely, not himself, not alone, part of a very  
7 large group, as many as 40 people were sent and  
8 offboarded to a contractor USSA and then assigned  
9 back to the Gigafactory to work, and to work as a  
10 security guard. Not as an investigator, as a  
11 security guard.

12 And he's placed back at Tesla, with  
13 USSA, under an agreement where he understood it  
14 was at will, he understood he had to comply with  
15 policies, he understood what his job should have  
16 been. All Tesla did -- and again, I agree with  
17 Mr. Woodfield, there is no dispute. There's no  
18 dispute that on August 31st, as part of reviewing  
19 Mr. Hansen's e-mails, they uncovered that large  
20 swaths of this information, which was proprietary  
21 to Tesla, had been sent to his personal Gmail  
22 account. Which doesn't just raise the issue of  
23 the violation of policy. It raises the issue of  
24 the security of that e-mail. We all know how  
25 vulnerable Gmail is. I mean, my firm won't even

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2 this case, that he understood both that it was  
3 violative of not only Tesla's but USSA's  
4 policies. And he also admitted in his deposition  
5 that, yeah, if someone found this, they should be  
6 concerned. And Tesla was concerned.

7 Now, what I'm hearing from  
8 Mr. Woodfield is none of that matters because  
9 once you go to the SEC, you've got tenure.  
10 That's it. You cannot be terminated. Because  
11 even if they find something as egregious as the  
12 conduct that we have here that's admitted to have  
13 been done, somehow it doesn't matter. Because,  
14 man, I went to the government, they knew about  
15 it, so the fact that I violated all of these  
16 policies and procedures, the fact that I did all  
17 of these things that I admit violated those  
18 policies and procedures, nope, can't do anything  
19 about it.

20 And what's critical here is Tesla did  
21 not actually direct USSA to terminate Mr. Hansen.  
22 His documents from the time frame and his  
23 pleadings in this case are replete with  
24 references to the fact that he was terminated.  
25 He was terminated from Tesla as part of a RIF,

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2 let us use Gmail.

3 So these policies violations were  
4 very serious, and Tesla took them very seriously.  
5 But even then, again, undisputed of what they  
6 uncovered, they didn't direct USSA to terminate  
7 Mr. Hansen. They simply said we would like him  
8 to not be on our property anymore. And that's  
9 what happened.

10 And he was perfectly free to go  
11 accept other assignments from USSA, which he  
12 ultimately did. He took some time off. He was  
13 basically absent for a month and came back and  
14 then took some assignments from USSA. Those are  
15 the facts. That's what happened. And again, I  
16 don't really think any of that's in dispute. I  
17 think there's a lot of revisionist history here  
18 about what happened, but a company is not  
19 handcuffed from taking action with regard to a  
20 contractor in this case, not even an employee,  
21 when they uncover something as egregious as the  
22 violations that Mr. Hansen admittedly engaged in  
23 and simply request that their contractor not  
24 contract him back to their facility until  
25 they've -- unless and until they direct them to



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2 do that in the future.  
3 That's all that happened here. And  
4 that was perfectly appropriate. There's no --  
5 absolutely no evidence that Tesla acted  
6 inappropriately in any way. Thank you.  
7 JUDGE HOFFMAN: Thank you.  
8 Ms. Braxton, would you like to speak  
9 now?  
10 MS. LARGENT: I'm actually going to  
11 provide the opening statement on behalf of USSA  
12 this morning.  
13 JUDGE HOFFMAN: Okay. Ms. Largent.  
14 MS. LARGENT: And to start off, USSA  
15 joins in Tesla's opening statement and in the  
16 points raised by Tesla in arguing that the  
17 evidence will not support a finding of  
18 retaliation against Tesla. And that Tesla  
19 actually had legitimate nonretaliatory reasons  
20 for requesting Mr. Hansen's removal from their  
21 site. However, even if the arbitrator were to  
22 find that Tesla asked for Hansen's removal from  
23 their site for a retaliatory reason, there's  
24 still no legal or factual basis for holding USSA  
25 liable for that conduct.

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2 The facts have shown and the  
3 testimony at the hearing will support that the  
4 only reason USSA removed Hansen from the Tesla  
5 account is because Tesla exercised its  
6 contractual right to request removal under the  
7 terms of the master agreement between Tesla and  
8 USSA. USSA asked for a reason for the removal  
9 request but wasn't provided one.  
10 Accordingly, USSA simply granted the  
11 request in accordance with that service  
12 agreement.  
13 Further underscoring the absence of  
14 any improper conduct by USSA, as Tesla's counsel  
15 noted, USSA kept Hansen employed and gave him a  
16 new assignment after he was removed from the  
17 Tesla account. The only reason Mr. Hansen is not  
18 employed by USSA anymore is because he  
19 voluntarily resigned for a higher paying job. In  
20 sum, there's no basis for liability against USSA  
21 on Mr. Hansen's Dodd-Frank claim, which is the  
22 only claim that remains against USSA in this  
23 action.  
24 I also join in points raised by  
25 Tesla's counsel in the opening statement that the

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2 Mr. Hansen's counsel did not even  
3 mention USSA in his opening statement. And  
4 that's for a good reason. It's undisputed and  
5 will remain undisputed at the hearing that USSA  
6 did not even know about Hansen's protected  
7 activity in order to retaliate against him for  
8 it.  
9 Mr. Hansen alleges in paragraph 96 of  
10 his third amended statement of claims, and you  
11 heard his counsel articulately explain here this  
12 morning that the protected activity at issue is  
13 Mr. Hansen's filing of an SEC complaint on  
14 August 9, 2018.  
15 At no time prior to his removal from  
16 the Tesla site did Matt German, the USSA  
17 representative who made the removal decision at  
18 Tesla's request, know about this complaint. It's  
19 axiomatic under well-established law that a party  
20 cannot retaliate against someone for something  
21 they did not know about. USSA similarly did not  
22 and could not know that Tesla was retaliating  
23 against Mr. Hansen for filing an SEC complaint  
24 given that USSA didn't know about the complaint  
25 in order to suspect this in the first place.

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2 standard for proving liability for retaliation  
3 under Dodd-Frank appears to have been miscited by  
4 plaintiff's counsel, and will be happy to brief  
5 the legal issue in closing and in post-hearing  
6 briefs, should we do those.  
7 JUDGE HOFFMAN: All right. Thank you  
8 very much.  
9 Mr. Woodfield, you can call your  
10 first witness.  
11 MR. WOODFIELD: I want to ask, if I  
12 could, just before we start since we're going to  
13 be going for a while, might I take two minutes to  
14 run to the restroom?  
15 JUDGE HOFFMAN: Yes. Of course.  
16 Let's take a brief break for five minutes.  
17 MR. WOODFIELD: Thank you.  
18 (Recess taken, 9:44 a.m. to  
19 9:52 a.m. PDT.)  
20 JUDGE HOFFMAN: Mr. Woodfield, go  
21 ahead and call your first witness.  
22 MR. WOODFIELD: Your Honor, before I  
23 do, how do you want to handle exhibits? Would  
24 you like me to put them up on my screen? Would  
25 you like to have me call them and have everyone

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1 Hansen v Elon Musk - Arbitration Day 1  
2 pull them up individually?  
3 JUDGE HOFFMAN: I have the exhibits  
4 with me, and so I'm going to mark -- I'm going to  
5 refer to the exhibits. But if you want to have  
6 the witness talk about a particular provision, of  
7 course, you're going to have to put it up. So I  
8 don't know if that answers your question or not.  
9 MR. WOODFIELD: I will -- if I want  
10 them to look at something that I want to  
11 emphasize on the screen, I'll place it up, but  
12 otherwise I'll just refer to everything broadly.  
13 All right. At this point,  
14 Your Honor, I'd like to call Mr. Karl Hansen as  
15 complainant's first witness.  
16 JUDGE HOFFMAN: All right. Debbie,  
17 would you swear the witness.  
18 -----  
19 KARL ERIK HANSEN,  
20 having been duly sworn,  
21 testified as follows:  
22 \* \* \*  
23 \* \* \*  
24 \* \* \*  
25 \* \* \*

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1 Hansen v Elon Musk - Arbitration Day 1  
2 point, I've accumulated probably over  
3 200-semester hours in various courses of study.  
4 I had Central Texas College, the  
5 University of South Florida, Fayetteville  
6 Technical Community College; and as of most  
7 recently, the University of Washington, where in  
8 2020 I enrolled in their paralegal studies  
9 program.  
10 I studied in criminal justice at  
11 Central Texas; and also in South Florida, I was  
12 working in juvenile justice and juvenile  
13 corrections and received training in that field;  
14 and ultimately while on active duty in the  
15 early '90s, I was a volunteer at a -- in a fire  
16 department, and I studied firefighting with an  
17 emphasis on hazardous materials and emergency  
18 vehicle operations.  
19 Q. And let me ask you, in February 2018,  
20 did you apply as a protection associate at Tesla?  
21 A. Yes, sir, I did.  
22 Q. And if I could get you to take a look  
23 at joint Exhibit No. 16. Is that your resumé  
24 that you submitted to Tesla?  
25 A. Where is the exhibit? I'm sorry.

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2 -----  
3 EXAMINATION  
4 -----  
5 BY MR. WOODFIELD:  
6 Q. Mr. Hansen, can I get you to state  
7 your full name for the record, please?  
8 A. Yes. It's Karl Erik Hansen.  
9 Q. And, Mr. Hansen, how old are you?  
10 A. Just turned 50.  
11 Q. And where do you live?  
12 A. Currently I live south of Seattle, in  
13 a town called Puyallup, Washington.  
14 Q. And are you married and have a  
15 family?  
16 A. So, yes. My -- you know, my wife and  
17 I have five children: son, four daughters, and  
18 three grandchildren, and another grandchild on  
19 the way.  
20 Q. And tell us about your background and  
21 education.  
22 A. Well, my education began -- first  
23 off, I'll start by saying I don't have a formal  
24 degree. Throughout my career, on active duty as  
25 well as -- well, throughout my life, up to this

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2 Q. Do you have it on your laptop in  
3 front of you?  
4 A. Yes. Just a second here. You have  
5 to bear with me. I have to use two computers,  
6 unfortunately.  
7 Q. That's all right. I'll tell you  
8 what. Hold on one second.  
9 A. And you said 16, correct?  
10 Q. Yes. Let me show it to you very  
11 briefly.  
12 Do you see this document, this --  
13 A. Yes, sir.  
14 Q. This is joint Exhibit No. 16.  
15 Can you tell me about your work  
16 history through 2018?  
17 A. Sure. My work history began while in  
18 high school. Initially I joined the New York  
19 State Army National Guard, while in high school,  
20 and became a member of the New York State  
21 Counterdrug Task Force, assigned to Wellesley  
22 Island, working counterdrug operations in  
23 conjunction with U.S. Customs.  
24 I then went on active duty, stayed on  
25 active duty for several years in the U.S. Army,

<p style="text-align: right;">Page 34</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 was an infantry soldier during that time. And I</p> <p>3 did have a -- a had a couple of breaks in</p> <p>4 service.</p> <p>5 Back then, you know, as a young</p> <p>6 soldier, you kind of weigh your options and look</p> <p>7 and see if the grass is greener on the outside or</p> <p>8 if you want to stay on active duty. And so I</p> <p>9 did. Stayed out for a little bit. And then I</p> <p>10 had a two-year stint where I was a -- I was in</p> <p>11 the U.S. Coast Guard. I was a marine science</p> <p>12 technician and a maritime law enforcement</p> <p>13 boarding officer.</p> <p>14 And took another break in service and</p> <p>15 worked in the private sector for a water company,</p> <p>16 an international water company, contracting with</p> <p>17 municipalities in Houston, Texas; Fort Wayne,</p> <p>18 Indiana; and Philadelphia, Pennsylvania. I was</p> <p>19 in charge of quality assurance and fielding a</p> <p>20 meter -- metering installation technician crews</p> <p>21 throughout those cities.</p> <p>22 At the end of the last contract, I</p> <p>23 went back on active duty in the Army and decided</p> <p>24 to continue that career. I was an infantry</p> <p>25 noncommissioned officer during that time and then</p>	<p style="text-align: right;">Page 35</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 was very fortunate. I applied to and became a</p> <p>3 sworn federal agent with the U.S. Army criminal</p> <p>4 investigation command.</p> <p>5 During my tenure, in that role, I</p> <p>6 served as both a field special agent, conducting</p> <p>7 felony criminal investigations in the field, up</p> <p>8 until I was selected to join the Protective</p> <p>9 Services Battalion of U.S. Army, CID.</p> <p>10 I'm not sure if you're familiar with</p> <p>11 that, but basically, the CID also has an arm</p> <p>12 similar to the Secret Service where we provide</p> <p>13 executive protection. I was assigned to, in my</p> <p>14 last assignment, the protective services details</p> <p>15 of former U.S. Department of Defense Secretary</p> <p>16 Donald Rumsfeld and Robert Gates.</p> <p>17 Ultimately, I retired from active</p> <p>18 duty in 2010, and I continued my career with the</p> <p>19 Department of Defense as a federal medical</p> <p>20 ombudsman, working for the U.S. Army Medical</p> <p>21 Command headquarters, Office of the Surgeon</p> <p>22 General.</p> <p>23 And in that capacity of about six</p> <p>24 years or so, I was responsible for assisting</p> <p>25 veterans of all branches of the armed forces</p>
<p style="text-align: right;">Page 36</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 throughout the state of Alaska without access to</p> <p>3 medical care and other issues. A lot of that</p> <p>4 involved investigating complaints associated with</p> <p>5 either medical malpractice or medical evaluation</p> <p>6 boards. Anybody who's on -- been on active duty</p> <p>7 or the military is probably familiar with that.</p> <p>8 And about 2016, the Department of</p> <p>9 Defense, the Army decided they were going to</p> <p>10 basically transition away from warrior transition</p> <p>11 units, which were special medical units developed</p> <p>12 to care for wounded and injured soldiers coming</p> <p>13 back from Iraq and Afghanistan.</p> <p>14 I transferred down to Joint Base</p> <p>15 Lewis-McChord in the same capacity, working for</p> <p>16 the Intrepid Spirit Center, dealing with TBI and</p> <p>17 PTSD, and ultimately received a promotion in</p> <p>18 federal service.</p> <p>19 I was selected as the area</p> <p>20 representative and senior investigator for the</p> <p>21 Federal Maritime Commission's Southern California</p> <p>22 AOR, where I worked for approximately fourteen</p> <p>23 months, right up until making a transition to go</p> <p>24 to Reno and go to work for Tesla.</p> <p>25 * * *</p>	<p style="text-align: right;">Page 37</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 BY MR. WOODFIELD:</p> <p>3 Q. So let me ask, is Exhibit No. 16,</p> <p>4 joint Exhibit No. 16, the resumé that you</p> <p>5 submitted to Tesla?</p> <p>6 A. I believe it is, yes.</p> <p>7 MR. WOODFIELD: Okay. So I would</p> <p>8 just offer joint Exhibit 16.</p> <p>9 JUDGE HOFFMAN: Any objection to 16?</p> <p>10 MR. ROBERTSON: No objection.</p> <p>11 JUDGE HOFFMAN: There being no</p> <p>12 objection, 16 is in.</p> <p>13 (Whereupon, Exhibit 16 was received.)</p> <p>14 BY MR. WOODFIELD:</p> <p>15 Q. Why did you move to Reno?</p> <p>16 A. Well, I stayed with FMC for, like I</p> <p>17 said, 14 months. And as a matter of life, my</p> <p>18 wife and I at that time decided to separate, and</p> <p>19 I -- you know, those situations have their -- had</p> <p>20 their moments and their impacts.</p> <p>21 And I had a good friend who I served</p> <p>22 with, was a military officer years ago. He is</p> <p>23 currently a physician and a realtor, and he was</p> <p>24 expanding his real estate business into Reno,</p> <p>25 Lake Tahoe. And after some discussion, I decided</p>

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2 that I would go out there.  
3 I would work with him to set up an  
4 office, and part of doing that would have  
5 required me to get my Nevada real estate license  
6 through, you know, self-study and whatnot. So I  
7 needed to supplement my income, which led to,  
8 again, applying to Tesla.  
9 Q. And so you applied to Tesla. And let  
10 me show you what is marked as joint Exhibit  
11 No. 126. Tell me if you've got it in front of  
12 you, but I'll pull it up at the same time.  
13 A. I don't. I'll search.  
14 MR. WOODFIELD: It's all right. I'll  
15 pull them up.  
16 THE WITNESS: All right. Thank you.  
17 I can't remember what I do to receive an exhibit.  
18 I'll figure it out.  
19 BY MR. WOODFIELD:  
20 Q. This is a February 2018 offer letter  
21 to you. Do you recall --  
22 A. Yes, it is.  
23 Q. -- this?  
24 A. Yes, I do. Yes, sir.  
25 Q. Is this the offer letter that you

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2 BY MR. WOODFIELD:  
3 Q. When did you start working for Tesla?  
4 A. I began working on March 5, 2018.  
5 Q. And what was your first job with  
6 Tesla? What was your first job title?  
7 A. I was a protection associate.  
8 Q. And when, if ever, did your position  
9 change -- your position at Tesla change?  
10 A. That would have been on or about  
11 April 2nd of 2018, when Sean Gouthro, who was  
12 then my supervisor, the supervisor of the  
13 internal investigations department, changed my  
14 position to an investigations associate, working  
15 under him on the swing shift at the Gigafactory  
16 to conduct investigations containing criminal  
17 activities and basically other duties as assigned  
18 as to investigations.  
19 Q. And who did you begin training with  
20 at that time?  
21 A. That would have been Ken Davis.  
22 Ken Davis, on April 2nd, yes, sir.  
23 Q. And what was Ken Davis's job then?  
24 A. He also was an investigator. He had  
25 been in that department prior to my tenure.

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2 received for it, to become a protection associate  
3 at Tesla?  
4 A. Yes, it is.  
5 Q. When you were still working at -- in  
6 your last job, for the Federal Maritime  
7 Commission, you were making \$98,700 -- \$787;  
8 correct?  
9 A. Actually, when I left, I was 102, I  
10 believe. I was a GS-13, Step 2 at that time.  
11 Q. Why would you take a job at 16.50 an  
12 hour?  
13 A. Well, like I said, I was looking to  
14 supplement my income with something that was  
15 commensurate with my background, security and/or  
16 investigations, and that seemed suitable at the  
17 time.  
18 Q. All right. And when did you start  
19 your employment -- oh, forgive me.  
20 MR. WOODFIELD: At this point I just  
21 offered joint Exhibit 126.  
22 JUDGE HOFFMAN: It's admitted.  
23 (Whereupon, Exhibit 126 was  
24 admitted.)  
25 \* \* \*

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2 Q. And did he remain in that department?  
3 A. To my knowledge, he did.  
4 Q. And when, if ever, did your position  
5 change again?  
6 A. That was on or about the beginning of  
7 May. May 1st of 2018. There was another  
8 employee, by the name of Kris Halladay, who  
9 worked directly for Mr. Gouthro as his  
10 investigative case specialist. Mr. Halladay was  
11 going to be, I believe, for two or three weeks --  
12 I don't recall specifically -- and I was selected  
13 to assume his responsibilities during his absence  
14 in addition to my investigative role and duties.  
15 And I did that probably -- until he  
16 returned, and ultimately through -- I assisted  
17 with that. Mr. Gouthro and Mr. Halladay, until  
18 the end of June, around June 28th.  
19 Q. Okay. And when you were working as  
20 an investigative case specialist, what exactly  
21 were your job duties and responsibilities?  
22 A. So I was the -- during that time, I  
23 was -- you were the face, basically. Anybody  
24 coming into the security or badging office that  
25 wanted to report to -- a complaint to

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 2 investigations, whether that -- you know, theft  
 3 of property, anything. I was designated as the  
 4 primary point of contact to field those initial  
 5 introductions and then triage those cases  
 6 according to then the system that Tesla was  
 7 using, and delegate those to other investigators.

8 Q. And where were you geographically  
 9 working?

10 A. Geographically, I was inside of the  
 11 Gigafactory during that role, in what they called  
 12 the SOC or SCC.

13 And also geographically I worked in a  
 14 trailer on-site. It was the security trailer and  
 15 it was identified as squaw trailer.

16 Q. And because we're at the outset of  
 17 this, we're just sort of setting the factual  
 18 predicate, what is the Gigafactory?

19 A. So the Gigafactory, I believe it's  
 20 Tesla's first production facility for -- for  
 21 their electric vehicles. They actually --  
 22 correction. They -- they manufactured, at least  
 23 during my tenure there -- were the batteries that  
 24 were going into their Model 3 cars. And that was  
 25 the big ramp at that time.

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 2 but I started to look at these and started to  
 3 hear things about certain contractors and certain  
 4 lay-down yards, and it appeared that this might  
 5 be more organized. You know, larger organized  
 6 efforts here.

7 So that's -- that, narcotics, of  
 8 course, revealed a lot of narcotics issues.

9 (Discussion off the record.)

10 JUDGE HOFFMAN: You understand,  
 11 Mr. Hansen, that all of your testimony is  
 12 important, and Debbie needs time to write that  
 13 down so that I can review it later.

14 THE WITNESS: Yes, sir.

15 JUDGE HOFFMAN: Thank you.

16 BY MR. WOODFIELD:

17 Q. All right. Now, you mentioned that  
 18 there was copper theft. Now, in the last decade,  
 19 has there been a spike in the price of copper as  
 20 far as you know?

21 A. Yes.

22 Q. And what has that meant for  
 23 manufacturers that are involved -- that use  
 24 copper as a raw material?

25 A. Well, I'd say it's a target. And a

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 2 Q. Okay. And where -- where is -- was  
 3 the Gigafactory located in Sparks, Nevada?

4 A. It is, yes, sir.

5 Q. And in terms of the size of the  
 6 facility, do you have any idea of how many people  
 7 worked in the facility? Or at the facility  
 8 overall?

9 A. You know, I -- I do know that it was  
 10 estimated that at any given time there were  
 11 anywhere between 6- to 8,000 people once they got  
 12 off to -- to running their production shifts.  
 13 It's a very large facility.

14 Q. And when you were working as an  
 15 investigative case specialist, what did your  
 16 investigations reveal, if anything?

17 A. Well, I -- I was assigned a wide  
 18 variety of investigations, but primarily I was  
 19 tasked with reports of theft. And there was  
 20 primarily copper wire, and I want to also talk  
 21 about scrap; right? Scrap, raw materials, but  
 22 copper wire, spools of copper wire were a big  
 23 deal. And I began to see that -- I mean, there  
 24 were a lot of these, and there were a lot that  
 25 had been being investigated prior to my tenure,

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 2 lot of times it becomes an easy target,  
 3 particularly at larger facilities or facilities  
 4 where access is not protected. But it is  
 5 definitely -- it is a commodity that is sought  
 6 after.

7 Q. And you stated that you thought that  
 8 there was some sort of pattern in the copper  
 9 theft that you observed?

10 A. Yes, sir, that's correct. And that  
 11 was based on reports. You know, when I started  
 12 analyzing and talking to Mr. Halladay and looking  
 13 at the -- looking at the history of the reports,  
 14 the timing, and looking at things and trying  
 15 to -- trying to do a link analysis on  
 16 commonalities, I started to put together a  
 17 spreadsheet and graphs and look at these things.  
 18 And there were a -- there were a lot of  
 19 complaints related to these things. And  
 20 particularly copper wire. Copper wire --  
 21 information I received and evidence that I  
 22 received indicated that contractors were  
 23 either -- were intentionally leaving lay-down  
 24 yards unsecured or couldn't secure them. They  
 25 were finding locks cut, gates removed. They were



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 2 pulling excess wire, large footages of this wire,  
 3 rolling it up and throwing it in their pickup  
 4 trucks and whatever and rolling it out of there.  
 5 But there was commonalities between certain  
 6 larger contractors that reported quite a bit of  
 7 this ongoing.

8 Q. I'm going to show you now what I'm  
 9 marking as joint Exhibit 138.

10 A. Okay.

11 Q. And it's up on the screen for you to  
 12 see.

13 A. Yes, sir. Okay.

14 Q. Who is Marshall Sprott?

15 A. Marshall Sprott was my supervisor  
 16 initially when I went there and continued to be  
 17 somebody that I talked to and reported to along  
 18 with Mr. Gouthro, pretty regularly, with respect  
 19 to all of these things.

20 Q. Do you remember what his job title  
 21 was at Tesla?

22 A. At the time, I believe the first  
 23 shift security operations supervisor.

24 Q. And Christopher Milburn, do you  
 25 remember what his job title was?

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2 A. Lane Shipley was also a gentleman who  
 3 worked specifically and exclusively as a  
 4 control-room operator in the SOC or SCC.

5 Did -- another employee that worked  
 6 for Mr. Gouthro, under Mr. Gouthro in the  
 7 organizational chart.

8 Q. And did anyone ever tell you that you  
 9 were -- your -- that they thought your concerns  
 10 about copper theft were misplaced, or that you --  
 11 when you said that you thought that the copper  
 12 thefts were connected, did anyone ever tell you  
 13 that they thought you might be barking up the  
 14 wrong tree?

15 A. Mr. Woodfield, could you say again?

16 Q. Did anyone ever tell you that they --  
 17 did anyone ever disagree with you when you  
 18 posited that the copper thefts might be related?

19 A. No, they did not disagree with me.  
 20 In fact, quite the contrary.

21 Q. I'm going to offer joint Exhibit 138  
 22 at this time.

23 JUDGE HOFFMAN: Any objection?

24 MR. ROBERTSON: No objection,  
 25 Your Honor.

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2 A. He also was a supervisor. I believe  
 3 he was a second shift operations supervisor, a  
 4 counterpart or colleague of Marshall Sprott's and  
 5 Mr. Gouthro's.

6 Q. And then Sean Gouthro and Kristopher  
 7 Halladay, were they your colleagues or were they  
 8 people above you? Where were they relative to  
 9 you on an organizational chart?

10 A. So Sean Gouthro was my supervisor in  
 11 investigations. Kristopher Halladay --  
 12 essentially Kristopher Halladay and I were peers,  
 13 if you will.

14 He ultimately came back and took the  
 15 full responsibilities of the investigative case.  
 16 Specialist role, but also conducted  
 17 investigations himself, just as I did and as  
 18 Mr. Davis did.

19 Q. So as of June 19th, were you  
 20 monitoring video to see what vehicles might be  
 21 taking copper from the Giga site?

22 A. Yes, sir. Yes, sir. That was part  
 23 of, you know, ongoing investigation into these  
 24 copper thefts?

25 Q. And who is Lane Shipley?

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2 JUDGE HOFFMAN: Okay. Thank you.  
 3 138 is in.

4 (Whereupon, Exhibit 138 was  
 5 received.)

6 BY MR. WOODFIELD:

7 Q. Did you ever form an opinion as to  
 8 how large the copper theft problem was at the  
 9 copper factory? Or I mean at the Gigafactory?

10 A. Absolutely. Copper, raw materials --  
 11 copper alone, there were estimates that it was up  
 12 into the seven figures.

13 And you know, compiling that with --  
 14 everybody used the term "scrap." That's kind of  
 15 a collective term that was used, because not only  
 16 were -- were these things, were -- was copper  
 17 being stolen, but all of the other raw materials,  
 18 castings, different things associated with --  
 19 battery packs, they were -- it was well into the  
 20 seven figures. In fact, there's even a report by  
 21 Elon Musk himself that there was \$37 million  
 22 worth of raw materials, copper, scraps that went  
 23 missing between January and June of 2018, was  
 24 missing, stolen, unaccounted for, and that that  
 25 could have -- that there were estimates that that

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2 would have been in excess of close to 100 or over  
3 \$100 million.

4 Q. Now, in terms of the magnitude of the  
5 theft problem, did other people in the security  
6 department share your opinion?

7 A. Yes, sir, they did. In fact,  
8 specifically Marshall Sprott, Sean Gouthro,  
9 Kristopher Halladay, Ken Davis, all of these  
10 investigators, all the supervisors did. Chris  
11 Milburn. All of these guys were aware of what  
12 was going on and the problems. And a gentleman  
13 that came up in my investigation was a man named  
14 Lynn Thompson who had been reporting for months  
15 ongoing thefts.

16 Q. Okay. And what did Lynn Thompson  
17 note?

18 A. Well, Lynn Thompson -- Lynn Thompson  
19 came on my radar because of an incident that  
20 occurred. I think it was on -- started on  
21 June 6th, ultimately culminated on June 7th,  
22 wherein Mr. Thompson observed an individual  
23 pushing a cart with copper wire behind the  
24 Gigafactory. This involved -- this involved, of  
25 course, security; Christopher Milburn responded

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2 believe he worked the overnight shift -- were to  
3 go through and inspect electrical sites, security  
4 of lay-down guards, all of this stuff.

5 And so ultimately, that is what he  
6 reported, in addition to any other questions you  
7 may have. I mean, I think the record shows --  
8 we've already talked about some of Mr. Thompson's  
9 reports to me.

10 Q. What was the reaction of Tesla  
11 management when you raised your concerns about  
12 the scope of copper theft in -- especially that  
13 they may be related?

14 A. The concerns I got, their reaction  
15 was, Okay.

16 And I'll tell you, the reaction  
17 between Sean Gouthro and Marshall Sprott, the day  
18 I briefed them -- this is early June or mid-June  
19 time frame. I briefed them regarding information  
20 obtained and testimony and statements made to me  
21 by Lynn Thompson.

22 And Marshall Sprott stood up and --  
23 after the disclosure of this information, and  
24 then the names of potential players and Tesla  
25 employees, senior contract personnel, senior

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2 to that.

3 Ultimately the case was given to me.  
4 And when I looked in the system, I saw that the  
5 morning of the report, there were actually two  
6 arrests made. There were three involved parties,  
7 one of whom was an actual Panasonic employee.  
8 The other -- the other two were not. The  
9 arrestees, one was a convicted felon, and the  
10 other was a homeless gentleman. I'm sorry, he  
11 was a homeless gentleman residing at a homeless  
12 shelter.

13 The other was an illegal immigrant,  
14 who were given badges, fraudulent identification  
15 badges, and brought onto the site by the third  
16 party.

17 Ultimately, Mr. Thompson reported  
18 this, police were involved, the arrests were  
19 made. Mr. Thompson indicated to me that he had  
20 been reporting for months, internally. He had  
21 requested video footage. You know, his job -- he  
22 was an OSHA superintendent out there, or a senior  
23 electrical superintendent and an OSHA trainer and  
24 inspector.

25 So his responsibilities were to -- I

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2 superintendents in the construction industry,  
3 Marshall Sprott said: Sean, this is what we've  
4 been -- this is what we've been waiting for.

5 And again, that was another request  
6 for me, at that time, to bring in law enforcement  
7 and brief them, not only on the copper theft, but  
8 now mind you, this is also -- they were aware of  
9 Elon Musk just put out, on June 5th, his -- they  
10 were doing an audit to find out what happened  
11 to -- apparently, I was told -- we were told they  
12 were doing an audit to find out what happened to  
13 all of this scrap, this copper.

14 Q. Did management take you up on the  
15 offer to bring in law enforcement?

16 A. No. In fact, I was -- I believe  
17 around June 8th, Mr. Gouthro had explained to  
18 me -- I had just -- and again, to shift off to  
19 another investigation, but Mr. Gouthro had  
20 shortly before this handed me a document related  
21 to allegations of cartel trafficking, drug  
22 trafficking.

23 And in speaking of that, and the  
24 copper thefts, particularly the arrest related to  
25 Lynn Thompson and so forth, Mr. Gouthro stated



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2 that he had set up a meeting for -- I believe it  
3 was the following week with Tesla's legal  
4 counsel, with the Storey County DA's office, and  
5 with his contact at the FBI, a contact he had at  
6 the FBI.

7 And I asked him -- followed up on  
8 that with him, and at that point he said, no,  
9 we're not talking to law enforcement. Marshall  
10 Sprott, when I -- I pushed the issue in that  
11 meeting after briefing them, Marshall Sprott just  
12 threw his hands up in the air. And I was told to  
13 continue doing what I was doing but that I would  
14 not talk to law enforcement.

15 Q. And did you ask why you wouldn't talk  
16 to law enforcement?

17 A. I did ask several times, and I was  
18 told that I was not allowed to talk to law  
19 enforcement. I was to conduct my investigations.

20 Q. What happened on June 19, 2018?

21 A. On June 19th, I received a text  
22 message from Marshall Sprott directing me --  
23 directing me to meet him at a trail, at a job  
24 trail. It's important to note, you know, Tesla  
25 talks about the RIF. I was subject to a RIF, and

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2 But I'm going to show you what's  
3 marked as joint Exhibit No. 133. This is an  
4 e-mail from Marshall Sprott, whose title is  
5 security supervisor Gigafactory 1, on June 19th  
6 where it says: Karl Hansen was given the layoff  
7 notice today.

8 Was that the day that you were  
9 advised you were being laid off?

10 A. Via connection --

11 Q. I'm sorry?

12 A. Hello?

13 MR. WOODFIELD: All right. Karl, can  
14 you hear me?

15 THE WITNESS: I can't hear,  
16 unfortunately.

17 JUDGE HOFFMAN: I can't hear  
18 Mr. Hansen either. He's frozen up.

19 MR. WOODFIELD: All right. Karl,  
20 your line seems to be freezing for a second.

21 (Technical discussion off the  
22 record.)

23 JUDGE HOFFMAN: We'll go off the  
24 record for a minute.

25 (Recess taken, 10:25 a.m. to

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2 there was no secret that Tesla was -- had entered  
3 into a contract with U.S. Security. It was  
4 regularly talked about.

5 In fact, in the weeks preceding this,  
6 as you might imagine any organization, when  
7 employees hear that there might be a change or a  
8 transition or layoffs, people become concerned  
9 and they start asking questions. I had already  
10 transitioned into the investigations department.  
11 So in the weeks preceding June 19, while I'm  
12 conducting investigations, doing my job --

13 MR. WOODFIELD: Slow down.

14 A. -- people had repeatedly asked who  
15 was going to be impacted by this, who was going  
16 to go over to U.S. Securities. And so Sean  
17 Gouthro had a meeting with the investigations  
18 staff and specifically stated that the  
19 investigations department is not being impacted  
20 at all, nobody from investigations. It's only  
21 for protection associates assigned to operation.  
22 BY MR. WOODFIELD:

23 Q. So I'm going to show you now -- and  
24 just slow down a little bit. Just pause, take a  
25 breath between sentences.

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2 10:26 a.m. PDT)

3 JUDGE HOFFMAN: Back on the record.

4 BY MR. WOODFIELD:

5 Q. Karl, I've just showed an exhibit  
6 which was joint Exhibit 133, which was an e-mail  
7 from Marshall Sprott.

8 Was that the day that you were laid  
9 off, on June 9th -- Tuesday, June 19, 2018 or  
10 told you were going to be laid off?

11 A. Yes, sir. As I was saying, I met --  
12 I went to the trailer, met with Mr. Gouthro,  
13 Heather Brown, and Marshall Sprott, and that is  
14 an e-mail.

15 MR. WOODFIELD: And I'll offer joint  
16 Exhibit 133 at this time.

17 MR. ROBERTSON: No objection.

18 JUDGE HOFFMAN: There being no  
19 objection, 133 is in.

20 (Whereupon, Exhibit 133 was  
21 received.)

22 BY MR. WOODFIELD:

23 Q. And when were you told that your  
24 employment was going to end? When were you told  
25 that the layoff was going to be effective?

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2 A. This was approximately June 16th  
3 or -- or, I'm sorry, July 16th or 17th. I  
4 believe it was July 16th.  
5 Q. And were you told what would happen  
6 to you as of that date?  
7 A. I was. Based on my meeting with  
8 Matt German on that day, Mr. Gouthro, on the  
9 19th, after telling me that my position -- I was  
10 being eliminated, indicated that he had worked  
11 with Matt German, introduced me to Mr. German,  
12 who offered me a position as an investigator.  
13 Still working for Mr. Gouthro, but as a -- as a  
14 USSA employee.  
15 Q. And what was Matt German's job, do  
16 you recall?  
17 A. He was -- at the time I was told --  
18 he was the national accounts manager for  
19 U.S. Security.  
20 Q. And what were you told about why your  
21 employment with Tesla was ending or would be  
22 ending on July 16th, 2018?  
23 A. I was told it was due to a reduction  
24 in force.  
25 Q. And did you have any reason to doubt

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2 him and Mr. Gouthro, as well as, you know,  
3 parties involved in negotiating this security  
4 contract with the U.S. Security, that basically  
5 Mr. Gouthro and Mr. German had a position to  
6 offer me as an investigator.  
7 Mr. German indicated that this was  
8 one of his specialty positions, one of their  
9 specialty positions. He offered me a three-year  
10 contract as an investigator at eighty-seven-five  
11 a year, with annual bonuses.  
12 The -- to start -- I was to continue  
13 what I was doing in investigations until my last  
14 day on July 16th or 17th, at which time I would  
15 essentially stay where I was staying, or where I  
16 was at, and to continue to work for Mr. Gouthro.  
17 Q. Before I get to that, let me do just  
18 this one thing. Let me show you Exhibit 177 very  
19 quickly.  
20 JUDGE HOFFMAN: Which exhibit are you  
21 going to?  
22 MR. WOODFIELD: This may be one where  
23 I -- it may have switched. It was the joint pay  
24 -- or the Tesla pay statements.  
25 Anne, is that -- do I have that

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2 that?  
3 A. I did have a reason to doubt that.  
4 As I said, in the weeks preceding this, even the  
5 day before, Sean Gouthro and I had discussions.  
6 I specifically asked him. And, in fact, a  
7 supervisor came in and gave me an award a day or  
8 two prior to that. You know, it was a little  
9 token of appreciation for my hard work. And they  
10 told me.  
11 And what I was doing. I had received  
12 a Tesla-embossed notebook and, you know, the full  
13 little water bottle.  
14 Q. Who was the supervisor?  
15 A. Not Marshall Sprott. He was aware of  
16 it. I've forgot his name. Parker Fellows.  
17 Q. And what was the award for?  
18 A. They told me that they were giving me  
19 this award because they appreciated my hard work  
20 and my efforts consistent with the investigations  
21 I was doing.  
22 Q. So you spoke with Matt German. And  
23 what did he tell you about being an investigator  
24 with USSA?  
25 A. I spoke with him and he told me that

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2 number wrong?  
3 MS. DUNNE: You do. Give me one  
4 second, Nick, and I'll let you know what it is.  
5 That is Exhibit 136, Nick.  
6 MR. WOODFIELD: I appreciate that.  
7 BY MR. WOODFIELD:  
8 Q. Let me just show this right now.  
9 I'm showing you joint Exhibit 136.  
10 Are these your pay statements from when you were  
11 working at Tesla?  
12 A. Yes, sir.  
13 MR. WOODFIELD: At this time,  
14 Your Honor, I would offer joint Exhibit 136.  
15 MR. ROBERTSON: No objection,  
16 Your Honor.  
17 JUDGE HOFFMAN: Okay. 136 is in.  
18 (Whereupon, Exhibit 136 was  
19 received.)  
20 BY MR. WOODFIELD:  
21 Q. All right. And now I'm going to show  
22 you joint Exhibit No. 121.  
23 Are these e-mails -- although it says  
24 9-11-2018, is that the date that this was  
25 printed?

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2 A. Yes, that's the date that that was

3 printed.

4 Q. And did -- are these e-mails with

5 Matt -- or text messages with Matt German?

6 A. That is what they are, yes, sir.

7 Q. And when he told you that he wanted

8 your resumé for a specialty position, did he tell

9 you what the specialty position's file was?

10 A. He did not.

11 MR. WOODFIELD: Okay. I'm going to

12 shut that down for right now. I'm going to offer

13 joint Exhibit 121 at this time.

14 JUDGE HOFFMAN: Do you want to offer

15 the page -- the Bates number 853 or do you want

16 to offer the entire stack?

17 MR. WOODFIELD: The stack of text

18 messages between Mr. Hansen and Mr. German.

19 JUDGE HOFFMAN: Any objection?

20 MR. ROBERTSON: No objection.

21 JUDGE HOFFMAN: Okay. 121 is in.

22 (Whereupon, Exhibit 121 was

23 received.)

24 BY MR. WOODFIELD:

25 Q. Did you end up working for USSA on a

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2 happened and told me that he -- his hands were

3 tied and that he would essentially pay me as a

4 supervisor at the supervisor rate, \$27 an hour.

5 But simultaneously telling me that Jeff Jones

6 also said that I would not have -- nor would I --

7 I wouldn't be in investigations, nor would I be

8 in any capacity having supervisory access or a

9 supervisory role. So essentially I was a

10 security officer, a physical security officer,

11 observing, reporting, and documenting.

12 Q. And what was the rate of pay?

13 A. \$27 an hour.

14 Q. Now, I'm going to show you joint

15 Exhibit No. 129 at this time.

16 These are e-mails from June 27th and

17 28th, with Priscilla Petersen, who worked for

18 Aerotek.com, Kristopher Halladay, Elizabeth -- it

19 looks like Hoene, Marshall Sprott, carbon-copying

20 Sean Gouthro, subject Julio Alarcon.

21 Who is Julio Alarcon?

22 A. Julio Alarcon was in fact the

23 individual that Mr. Gouthro -- he was the

24 individual who provided the fraudulent badges to

25 the two individuals that he brought onto the

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2 three-year employment contract at \$87,500 per

3 year?

4 A. No, I did not. After Tesla's

5 interference with that, I worked essentially as a

6 security officer.

7 Q. And tell me, when you say Tesla's

8 interference, what do you mean by that, sir?

9 A. Well, I mean that -- I believe on or

10 about June 28th, I was notified that the position

11 that I was offered was no longer going to be

12 handled. It wasn't in existence.

13 I was not going to be an

14 investigator; that was the bottom line. And that

15 Tesla made that decision. Jeff Jones made that

16 decision.

17 Q. And so what was the job offer that

18 was made to you for starting at USSA?

19 A. Could you ask the question again,

20 please?

21 Q. Yes. When you began work in July of

22 2018, what was the job offer that you accepted?

23 What were the terms that you accepted that you

24 started work under?

25 A. Matt German apologized for what had

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2 Gigafactory the night that Lynn Thompson observed

3 and reported the theft. Julio Alarcon was

4 somebody that Mr. Gouthro informed me he was

5 working with the Storey County DA's office

6 regarding the prosecution or the investigation

7 into the theft of a Tesla badge-making machine.

8 And Mr. Alarcon had been identified, according to

9 Mr. Gouthro, in his communications with the DA's

10 office as the individual who may have been in

11 possession of that machine. That was information

12 that came to me even prior to -- prior to the

13 incident with Mr. Thompson, wherein I identified

14 Mr. Alarcon as the driver of the vehicle in that

15 incident. Subsequently tracked him, identified

16 him involved in casing the Gigafactory, accessing

17 the Gigafactory at unauthorized hours, but

18 ultimately reported this to Mr. Gouthro because

19 of his involvement with the DA's office regarding

20 the prior theft of this badge-making machine.

21 And I thought that there might be a link there.

22 Q. Was Mr. Alarcon an employee of

23 Aerotek?

24 A. Was who, sir?

25 Q. Mr. Alarcon.

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2 A. Yes, he was. He was a contract  
3 employee out there.  
4 Q. So at this point I'm going to offer  
5 Exhibit No. 129.  
6 MR. ROBERTSON: No objection.  
7 JUDGE HOFFMAN: Okay, 129 is in.  
8 (Whereupon, Exhibit 129 was  
9 received.)  
10 BY MR. WOODFIELD:  
11 Q. And I'm going to start -- I'm going  
12 to show you joint Exhibit 31.  
13 Are these text messages you had with  
14 Marshall Sprott on Thursday, June 28, 2018?  
15 A. Yes, sir. Yes, they are.  
16 Q. And were you raising the issues of  
17 cartel activity with Mr. Sprott at this point?  
18 A. Yes. Mr. Sprott was definitely aware  
19 of the cartel allegations and the document that  
20 ultimately was given to me by Mr. Gouthro.  
21 Q. And was Mr. Sprott at that point  
22 suggesting that you might be chasing a wild hare  
23 or going down an unproductive route here or  
24 not -- doing something wasteful?  
25 MR. ROBERTSON: I'm just going to

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2 activity at the Gigafactory site?  
3 A. No, not at all. And interesting --  
4 this date of June 28th is also significant as  
5 related to the cartel piece and this  
6 investigation. And it's significant because what  
7 I learned during this time is that not only was I  
8 looking into these allegations, in fact, the FBI  
9 had at that time had a then-sealed indictment and  
10 an ongoing investigation of a major drug  
11 trafficking organization identified as the Mora  
12 DTO.  
13 And this investigation spanned for  
14 approximately January of 2018 through the release  
15 by the U.S. Attorney's Office of the indictment  
16 identifying 20 or so members of this  
17 drug-trafficking organization, the leader of whom  
18 was a gentleman named Mora.  
19 While I was conducting investigations  
20 into the cartel piece, looking at lithium,  
21 looking at these players, the Morales family, and  
22 whatnot, I determined -- I saw this indictment  
23 and I realized that four or five of these  
24 employee -- of these people named in this  
25 indictment by the FBI that were just arrested had

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2 object, Your Honor, just to the extent that it's  
3 a bit leading. I just think we'd rather hear the  
4 witness than Mr. Woodfield. That's my objection.  
5 JUDGE HOFFMAN: So I understand, your  
6 objection is that it's -- that there's  
7 insufficient foundation?  
8 MR. ROBERTSON: Yes, that's right,  
9 Your Honor, and so it's then foundation and  
10 leading, so...  
11 JUDGE HOFFMAN: Okay. I guess I  
12 agree that to understand this exchange of text  
13 messages, I might need a little bit more  
14 information.  
15 BY MR. WOODFIELD:  
16 Q. What were you and Mr. Sprott talking  
17 about in these text messages, sir?  
18 A. Specifically it appears that these  
19 were primarily related to lithium, lithium  
20 supplies and shipments, as well as thefts of  
21 solar panels, I believe -- yes, solar panels, up  
22 at the Microgrid site.  
23 Q. And did Mr. Sprott at any time  
24 express any concern about the allegations that  
25 you were raising that there might be cartel

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2 been employees and/or were employees during this  
3 time that I was conducting these investigations  
4 at the Gigafactory.  
5 And I printed these documents off. I  
6 showed them to Mr. Gouthro. I provided them to  
7 Mr. Sprott, and I was told, Oh, wow. This is --  
8 this is crazy. Okay. Keep doing what you're  
9 doing.  
10 So the answer is no. I guess that  
11 was a circuitous way of getting to no, but it's  
12 important to lay that foundation that this wasn't  
13 just Karl Hansen just arbitrarily going down  
14 wild, you know, rabbit holes here. The FBI  
15 conducted this investigation for a period of  
16 seven -- six, seven months. These guys are now  
17 currently in federal prison as a result of their  
18 ties to the -- this employee from the  
19 Gigafactory, the leader of this DTO, was in fact  
20 tied to and linked by the Feds to the Sinaloa  
21 drug cartel in Mexico.  
22 JUDGE HOFFMAN: Mr. Hansen, let me  
23 interrupt for a minute. You're -- you've gotten  
24 great leeway in being able to testify in this  
25 case, but I'm listening carefully to the

<p style="text-align: right;">Page 70</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 questions that are being asked, and I'm hearing</p> <p>3 answers that are not necessarily particularly</p> <p>4 related to the question that's asked. And so</p> <p>5 your narratives make it difficult for me to</p> <p>6 figure out what you know and what you learned at</p> <p>7 some other time. So I would ask you to focus on</p> <p>8 the questions that are being asked and answer</p> <p>9 those questions, but don't -- don't explain any</p> <p>10 further unless your counsel asks you to do that.</p> <p>11 Do you understand?</p> <p>12 THE WITNESS: Yes, sir.</p> <p>13 JUDGE HOFFMAN: Okay. Thank you.</p> <p>14 BY MR. WOODFIELD:</p> <p>15 Q. Did Marshall Sprott ever tell you</p> <p>16 that he expressed any disagreement with you about</p> <p>17 your concerns about potential cartel activity at</p> <p>18 the Gigafactory?</p> <p>19 A. No, sir.</p> <p>20 MR. WOODFIELD: I'm going to offer</p> <p>21 joint Exhibit No. 31 at this time.</p> <p>22 MR. ROBERTSON: No objection.</p> <p>23 Although, Your Honor, I would note there's</p> <p>24 handwriting on the document. I don't think we've</p> <p>25 established what that is. So I have no objection</p>	<p style="text-align: right;">Page 71</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 to the texts, but I don't think we have context</p> <p>3 for the handwriting at this point.</p> <p>4 MR. WOODFIELD: Why don't I fill that</p> <p>5 in.</p> <p>6 BY MR. WOODFIELD:</p> <p>7 Q. Mr. Hansen, what is the handwriting</p> <p>8 on joint Exhibit No. 31?</p> <p>9 A. Can you scroll down, please, so I can</p> <p>10 review it again?</p> <p>11 [Document review.]</p> <p>12 A. Those were notes that I made to</p> <p>13 myself when I had printed those off.</p> <p>14 Q. Up here at the top?</p> <p>15 A. Yes, explaining what the nature of</p> <p>16 those texts was.</p> <p>17 MR. WOODFIELD: Now I'm going to show</p> <p>18 you what is marked as joint Exhibit 209.</p> <p>19 JUDGE HOFFMAN: Exhibit 31 is in.</p> <p>20 MR. WOODFIELD: Thank you.</p> <p>21 (Whereupon, Exhibit 31 was received.)</p> <p>22 BY MR. WOODFIELD:</p> <p>23 Q. Sir, who is Jake Nocon?</p> <p>24 A. Jacob Nocon was an investigator</p> <p>25 brought in with Nick Gicinto working -- he was a</p>
<p style="text-align: right;">Page 72</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 supervisor of investigations at some point. I</p> <p>3 don't know what his current role is.</p> <p>4 Q. He was a Tesla employee?</p> <p>5 A. I was told he was a Tesla employee,</p> <p>6 yes. Initially he was not. I guess he was a</p> <p>7 contractor and then subsequently became a Tesla</p> <p>8 employee.</p> <p>9 Q. Why did you send him a text message</p> <p>10 on June 28, 2018?</p> <p>11 A. Because I was directed to speak</p> <p>12 directly with Jake Nocon. I was told that also</p> <p>13 with respect to the job I had, the investigations</p> <p>14 role, that Jacob Nocon would be conducting</p> <p>15 interviews for anybody being assigned to any</p> <p>16 investigative role out there.</p> <p>17 Q. Okay. And did you provide background</p> <p>18 information about what you were doing to</p> <p>19 Jacob Nocon?</p> <p>20 A. Yes, sir, with respect to my work.</p> <p>21 Q. And then did you speak to him on --</p> <p>22 he wrote back to you and he said: I'll give you</p> <p>23 a call later this morning on June 28th.</p> <p>24 Did you speak to him subsequently?</p> <p>25 A. Yes, we did speak.</p>	<p style="text-align: right;">Page 73</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 MR. WOODFIELD: At this point I'm</p> <p>3 going to offer joint Exhibit 209.</p> <p>4 MR. ROBERTSON: No objection.</p> <p>5 JUDGE HOFFMAN: Joint 209 is in.</p> <p>6 (Whereupon, Exhibit 209 was</p> <p>7 received.)</p> <p>8 BY MR. WOODFIELD:</p> <p>9 Q. And when you spoke with Mr. Nocon,</p> <p>10 what did you talk about?</p> <p>11 A. We talked a little bit about the</p> <p>12 investigations I was working, my concerns related</p> <p>13 to the cartel matter, and also the piece with</p> <p>14 respect to having to interview with him now for a</p> <p>15 position.</p> <p>16 And Mr. Nocon recommended that I</p> <p>17 speak with Mr. Gouthro and that law enforcement</p> <p>18 bring in narcotics dogs, schedule narcotics law</p> <p>19 enforcement canines to come and run through the</p> <p>20 facility.</p> <p>21 Q. Do you know if that was ever done?</p> <p>22 A. Can you say that again, please?</p> <p>23 Q. Do you know if that was ever done?</p> <p>24 A. That never was done.</p> <p>25 Q. Did Mr. Nocon ever tell you what</p>

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2 happened with regard to that plan?

3 A. No.

4 Q. I'm going to show you what's marked

5 as joint Exhibit No. 137.

6 And I'll just simply state, these are

7 more e-mails about Julio Alarcon.

8 A. Yes, sir.

9 Q. Through July 5th.

10 Did you continue to follow up on

11 Julio Alarcon for a while?

12 A. Mr. Woodfield, can you please repeat

13 the question?

14 Q. Yes.

15 Did you continue to follow up on

16 Julio Alarcon?

17 A. Yes, I did.

18 Q. And why did you continue to work on

19 the Julio Alarcon case?

20 A. Because Mr. Alarcon had still been

21 employed and was still accessing the facility

22 after the incident involving Mr. Thompson on

23 June 7th.

24 MR. WOODFIELD: I'm going to offer

25 joint Exhibit 137 at this time.

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2 now, so I didn't hear your question.

3 Q. Did you ever delete any Tesla e-mails

4 at all?

5 A. I'm sure I did delete an e-mail or

6 two here or there throughout the normal course of

7 duties.

8 Q. But did you ever delete -- when you

9 learned that your job might be ending or to

10 frustrate anyone being able to see what you might

11 have done, did you ever delete large swaths of

12 e-mails?

13 A. No, sir. Absolutely not.

14 Q. Who, if anyone, at USSA did you tell

15 about what you investigated at Tesla?

16 A. Matt German was well aware. Rick

17 McLellan was aware. Ryan Leslie was aware.

18 Other colleagues and employees were aware of the

19 investigations I had been working.

20 Q. What was Rick McLellan's job?

21 A. Rick was the on-site -- on-site, I

22 guess, operations manager for U.S. Security.

23 Q. And what did you tell Mr. McLellan?

24 A. Can you repeat that again?

25 Q. Yes. What did you tell Mr. McLellan?

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2 MR. ROBERTSON: No objection.

3 JUDGE HOFFMAN: 137 is in.

4 (Whereupon, Exhibit 137 was

5 received.)

6 BY MR. WOODFIELD:

7 Q. Between the time when you were

8 advised that you were going to be laid off and

9 when you started work with USSA, did you continue

10 to have access to your Tesla e-mail?

11 A. No, I did not. Sometime between

12 June -- that June 28th date and July, around

13 July 8th, my access was removed and eliminated.

14 Q. Did you ever delete your Tesla

15 e-mails?

16 A. Can you repeat that, please?

17 Q. Yes.

18 Did you ever delete your Tesla

19 e-mails, like your sent folder or your -- any --

20 A. No, sir, I never did. No, I never

21 did that.

22 Q. Did you ever delete any e-mails at

23 all?

24 Can you hear me?

25 A. I've got a low bandwidth notice right

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2 A. With respect to my --

3 Q. What you --

4 A. -- my work?

5 Q. What you witnessed or what you

6 investigated at Tesla.

7 A. I told Mr. McLellan specifically --

8 Mr. McLellan was well aware of the investigations

9 into the thefts. He -- I reported to him

10 everything that I had reported to Mr. Gouthro.

11 At that time, there was a period

12 there where Mr. McLellan had direct access and

13 was communicating with Mr. Gouthro and Mr. Sprott

14 consistently.

15 Q. And what about Mr. German, what did

16 you tell Mr. German?

17 A. I told Mr. German essentially the

18 same thing. They were aware. Mr. German was

19 aware of what I was investigating and the

20 concerns I had raised.

21 Q. And why did you tell Mr. German and

22 Mr. McLellan?

23 A. I believe it was still -- they needed

24 to know. After what I had seen in this short

25 period of time start to happen with respect to



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2 the offer of the job that Mr. German offered me,

3 they needed to be aware of what I was working on,

4 I felt.

5 Q. Okay. And what did you tell

6 Mr. Leslie?

7 A. I worked extensively with Mr. Leslie,

8 and Mr. Leslie was well aware. I didn't get into

9 specifics as far as investigative notes or

10 different things like that, but I told Mr. Leslie

11 that I had some very serious concerns about what

12 had happened with the job, and I had -- I felt

13 that this was due to -- due to the Tesla being

14 concerned, that their whole push was to ramp up

15 their Model 3 and they didn't care about anything

16 else that was going on inside the facility.

17 Q. Why did you tell Mr. Leslie that?

18 A. Mr. Leslie shared that same opinion,

19 and he was perplexed with the fact -- with what

20 had actually happened to me, he told me.

21 Q. I'm going to show you now what I'm

22 marking as joint Exhibit No. 71.

23 Do you recall sending this e-mail to

24 Jake Nocon on Wednesday, July 11th?

25 A. Yes, sir, I do.

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2 A. I was content to work for both. I

3 would have liked to stay on for Tesla as

4 originally planned, but it worked out. I would

5 have worked for U.S. Security based on the offer

6 that I had received.

7 MR. WOODFIELD: I'm going to offer

8 joint Exhibit No. 71 at this time.

9 MR. ROBERTSON: No objection.

10 JUDGE HOFFMAN: Okay, Exhibit 71 is

11 in.

12 (Whereupon, Exhibit 71 was received.)

13 BY MR. WOODFIELD:

14 Q. What, if anything, did Rick McLellan

15 at USSA tell you in response to your e-mail that

16 you sent to Jake Nocon?

17 A. Rick McLellan advise --

18 THE WITNESS: Can you hear me? I

19 have low bandwidth.

20 MR. WOODFIELD: I can hear you.

21 A. Okay. Rick McLellan indicated that

22 my position as an investigator working for USSA

23 was no longer being offered because Jacob Nocon

24 had been assigned to work under Nick Gicinto and

25 was handling all investigations and that Jeff

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2 Q. And why did you send this e-mail to

3 Jake Nocon on Wednesday, July 11th?

4 A. Well, because I had already had

5 discussions with Mr. McLellan and Mr. German,

6 obviously, with respect to this position and me

7 no longer being able to work.

8 Mr. McLellan told me that Jacob Nocon

9 was going to be -- he was told that Jacob Nocon

10 was going to be interviewing anybody that would

11 work in Tesla's investigations departments,

12 period. And so I reached out, because I was

13 given the name Jake Nocon as a primary point of

14 contact.

15 Q. And why were you interested in

16 continuing to work at Tesla, given what you had

17 seen?

18 A. Well, I thought Tesla was a -- I

19 really did. I thought Tesla was a great

20 up-and-coming company, that the opportunities

21 were there. Mr. German had offered me a position

22 with an exceptional salary in a role that I

23 really enjoyed.

24 Q. And did you want to continue to work

25 for USSA or for Tesla or for both?

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2 Jones directed that all persons assigned to

3 investigations were required to interview with

4 Mr. Nocon.

5 BY MR. WOODFIELD:

6 Q. When, if ever, did you speak with

7 anyone at USSA about Tesla's involvement in your

8 employment prospects with USSA?

9 A. Specifically, on several occasions, I

10 believe I was -- on or about July 12th, I had

11 discussed my confusion with Mr. German, I

12 believe, via text messages.

13 Q. And what did Mr. German tell you?

14 A. He basically told me initially

15 that an unspecified person, somebody he wouldn't

16 identify, above him, was preventing me from being

17 hired, as Matt German and I had discussed. And

18 he asked for some time. I gave him some time.

19 He ultimately got back to me. Told me that he

20 was frustrated and he said that I was going to be

21 his swing shift supervisor, end of story. And

22 something along the lines of I refuse to play BS

23 games.

24 Q. And what else, if anything, did he

25 tell you?



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2 A. My gosh, we had a lot of discussions.

3 He did tell me he was apologizing -- he was

4 apologetic, that he was sorry. That, you know,

5 basically Jeff Jones told him that I would not be

6 in investigations and nor would I be in any

7 supervisory capacity for USSA.

8 Q. Who is Jeff Jones?

9 A. Jeff Jones, then, was -- he was -- he

10 reported directly to Elon Musk. I think he was

11 the overall director of global security

12 operations.

13 Q. Do you have any idea why you might

14 have been on Jeff Jones's radar?

15 A. Speculating? Yeah. I think because

16 I was bringing up things and requesting to speak

17 to law enforcement. Every time I did,

18 Mr. Gouthro told me that he would discuss it with

19 Mr. Jones, and, you know, this just went back and

20 forth.

21 And they -- they being Tesla,

22 Elon Musk, Jeff Jones were really focused on

23 Tesla's stock price, the upcoming Quarter 2

24 release and the Model 3 ramp. I mean, there was

25 things ongoing at that time; so that's my

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2 JUDGE HOFFMAN: Okay. 22 and 195 are

3 in.

4 (Whereupon, Exhibit 22 was received.)

5 (Whereupon, Exhibit 195 was

6 received.)

7 JUDGE HOFFMAN: Mr. Woodfield, if you

8 want to think about a good breaking point. We've

9 been going about an hour.

10 MR. WOODFIELD: I love every break I

11 can take.

12 JUDGE HOFFMAN: Is now a good time?

13 MR. WOODFIELD: Yes, sir.

14 JUDGE HOFFMAN: Okay. Let's -- I've

15 got five after 11:00. Let's come back at 11:15

16 my time, so quarter after the hour.

17 MR. WOODFIELD: Thank you, sir.

18 (Recess taken, 11:04 a.m. to

19 11:19 a.m. PDT)

20 JUDGE HOFFMAN: It looks like we have

21 everybody back, so let's continue the examination

22 of Mr. Hansen.

23 MR. WOODFIELD: All right.

24 Thank you, Your Honor.

25 \* \* \*

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2 personal belief.

3 Q. Did you end up being hired by USSA?

4 A. Yes, sir, I did.

5 Q. And what job did you get hired for at

6 USSA?

7 A. Ultimately I got hired as a security

8 officer, a physical security officer.

9 Q. And what was your compensation, your

10 rate of compensation?

11 A. Matt German directed Rick McLellan to

12 put me on the books at the rate of a shift

13 supervisor at \$27 an hour.

14 Q. I'm going to show you joint

15 Exhibits 22 and 195.

16 Is 195 your application for

17 employment at USSA?

18 A. Yes, sir, it is.

19 Q. And 22 -- hold on one second.

20 MR. WOODFIELD: 22 is the arbitration

21 agreement, but I would offer the arbitration

22 agreement and joint Exhibits 22 and 195 in the

23 application at this time.

24 MR. ROBERTSON: So 22 and 195? Yeah,

25 no objection.

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2 BY MR. WOODFIELD:

3 Q. Mr. Hansen, did you remain employed

4 as a swing shift supervisor with a rate pay of

5 \$27 for the entire remaining time that you worked

6 at USSA?

7 A. I remained at that pay rate, but

8 definitely did not have any supervisory

9 responsibilities; and instead, I conducted daily

10 security operations, reporting, documenting,

11 access control and just basically continuing to

12 work at outside, further isolated posts

13 throughout my tenure until I was removed from the

14 Gigafactory.

15 Q. And what is -- what is physical

16 security?

17 A. So physically security really begins

18 with an operational presence of security

19 officers, officers who conduct roving patrols in

20 a given area. They check for secured access to

21 doors and buildings and things like that. So

22 physical security is just that. It's a physical

23 presence in and around a particular area.

24 Q. And so when you were employed at the

25 Gigafactory by USSA, what were your job duties

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2 and responsibilities?  
3 A. So essentially I was a security  
4 officer. I would be placed in, for instance, the  
5 D unit of the Gigafactory. It was far removed on  
6 the third floor, sitting for a shift of eight  
7 hours watching a temperature gauge on a boiler  
8 machine. Or I would be placed out at an access  
9 gate, monitoring traffic coming in and going out,  
10 verifying ID badges and different things like  
11 that.  
12 And just documenting in my notes and  
13 reports and continuing to report anything related  
14 to my -- the ongoing investigation of reports of  
15 theft and other matters.  
16 Q. One second.  
17 All right. I'm going to show you  
18 right now Exhibits 147, 176, and 173. I'm going  
19 to show you them now. It says joint Exhibit 147,  
20 which is an e-mail dated July 18th. And then  
21 there is a July 27th -- or July 22, 2018 e-mail,  
22 and a July 31st e-mail.  
23 Let me ask you, what did you do to  
24 help transition your investigation work with --  
25 at Tesla to Tesla when you worked for USSA?

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2 sir?  
3 A. Yes, I do.  
4 Q. And do you recall what you met with  
5 Mr. Gicinto about?  
6 A. Mr. Gicinto and I had a telephone  
7 conversation on that day, June -- or July, I  
8 believe it was 22nd. We did not meet. And we  
9 spoke about the concerns I had with respect to  
10 the investigative role and position and what had  
11 happened with that USSA offer. And Mr. Gicinto  
12 explained his rationale in this e-mail. But I  
13 never received this e-mail until August. I never  
14 saw it until then.  
15 Q. And this was sent to  
16 kahansen@tesla.com on July 22, 2018; is that  
17 correct?  
18 A. Yes, sir, it is.  
19 Q. And were you still getting e-mails at  
20 your kahansen@tesla.com address at that point?  
21 A. No, sir, that didn't exist any  
22 longer.  
23 Q. There's an e-mail from Sean Gouthro  
24 on July 31st saying: Karl no longer has access  
25 to Tesla e-mail since the RIF; is that correct?

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2 A. Can you be more specific?  
3 Q. Yes. Let me ask you to take a look  
4 at the e-mail marked as Exhibit No. 147.  
5 A. Okay.  
6 Q. There's an e-mail about hidden copper  
7 at the southern end of the Gigafactory.  
8 A. Yes, sir.  
9 Q. Were you involved in investigation of  
10 the hidden copper at the southern end of the  
11 Gigafactory?  
12 A. I don't specifically recall being  
13 directly involved in that particular matter.  
14 Q. Okay. Were you asked -- I'm going to  
15 refer you to an e-mail from Nick Gicinto on  
16 July 22nd. It says: Our conversation. It says:  
17 Thank you so much for talking to me this week.  
18 I'm really glad we had time to clarify a few  
19 things related to hiring and your background.  
20 MR. ROBERTSON: Which exhibit are you  
21 on now? Excuse me, Mr. Woodfield.  
22 MR. WOODFIELD: This is joint  
23 Exhibit 176.  
24 BY MR. WOODFIELD:  
25 Q. Do you recall receiving this e-mail,

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2 A. Yes, that's correct.  
3 Q. That's e-mail -- or that's joint  
4 Exhibit No. 173 being sent back in response,  
5 where Gerhard Pretorius was trying to follow up  
6 with you about your allegations, including your  
7 allegations about the cartel.  
8 Did anyone at Tesla try to reach out  
9 to you in July about the cartel activities and  
10 contact you at anything other than your Tesla  
11 address that did not -- that you had no access  
12 to?  
13 A. No.  
14 MR. WOODFIELD: I'm going to offer at  
15 this time Exhibits 147, Exhibits 176, and 173.  
16 MR. ROBERTSON: No objection.  
17 JUDGE HOFFMAN: Okay. 147, 176, and  
18 173 are in.  
19 (Whereupon, Exhibit 147 was  
20 received.)  
21 (Whereupon, Exhibit 176 was  
22 received.)  
23 (Whereupon, Exhibit 173 was  
24 received.)  
25 \* \* \*

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2 BY MR. WOODFIELD:

3 Q. Were you refusing at any time in July

4 to meet with anyone from Tesla to communicate any

5 information about any offers about your

6 allegations about cartel activity or drug

7 activity or theft activity?

8 A. No.

9 Q. When, if ever, did you reach out to

10 Elon Musk about what you had uncovered at Tesla?

11 A. August 3rd of 2018.

12 Q. And why did you write an e-mail to

13 Elon Musk about what you had observed at Tesla?

14 A. Because due to everything that

15 happened -- Elon Musk had regularly put out

16 company-wide e-mails to all employees stating

17 that essentially he had an open door if anybody

18 wanted to contact him directly with any concerns

19 and issues they felt weren't being addressed by

20 leadership at lower levels in the organization.

21 Q. I'm going to show you now what's

22 marked as joint Exhibit 186.

23 This is an e-mail you sent on

24 August 3rd, to Sean Gouthro, Elon Musk -- two

25 Elon Musk addresses, Gerhard Pretorius, Jake

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2 August 3, 2018, ever tell you that they thought

3 your allegations about cartel activity or

4 organized crime at the Gigafactory, did they tell

5 you that they thought those ideas might be

6 misguided?

7 A. No, sir.

8 Q. Why did you also send the e-mail to

9 Mr. Gicinto?

10 A. Well, Mr. Gicinto reported directly

11 to Mr. Musk.

12 Q. Now, did you ever refuse to

13 participate in any subsequent investigation

14 performed by Tesla?

15 A. Yes, I did.

16 Q. And what was that investigation that

17 you refused to participate in?

18 A. I don't know what their investigation

19 was. I was directed to report to a conference

20 room inside the Gigafactory to discuss my e-mail

21 with Ricky Gecewich, who was in employee

22 relations.

23 Q. And did you?

24 A. I had one meeting. I was -- retained

25 counsel. I was represented at that time, back in

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2 Nocon, Jeff Jones, Nick Gicinto. And it's a

3 lengthy e-mail where you raise issues about

4 cartel activity, theft, a number of problems at

5 the Gigafactory.

6 Why did you send this to Mr. Musk

7 directly?

8 A. Again, I sent it to Mr. Musk as well

9 as everybody else addressed there because these

10 were issues that I had raised repeatedly. Had

11 discussed with management. Discussed with my

12 supervisory personnel. I was directed to

13 investigate these things, and, you know, by this

14 time, a lot had happened.

15 And I -- the more things began to

16 transition, I became further isolated, and so I

17 felt that Mr. Musk opened the door and said, hey,

18 e-mail me if you have an issue, and I felt that

19 that was the important thing to do.

20 Q. And Nick Gicinto then subsequently

21 wrote to Mr. Musk later that day.

22 Were you aware that Mr. Gicinto

23 followed up with Mr. Musk?

24 A. I was not until I saw this e-mail.

25 Q. Did anyone from Tesla, before

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2 July of 2018, and I went to that one meeting,

3 heard what he had to say, and I determined that I

4 would not go back after that.

5 Q. And what did Mr. Gecewich have to

6 say?

7 A. Mr. Gecewich indicated that he did

8 not -- essentially he did not feel that he had

9 enough information to look into the issues that I

10 raised in my e-mail, and he asked -- asked me to

11 sit there and have a discussion with him and an

12 HR representative from U.S. Security about the

13 concerns I raised in the e-mail.

14 And I told him that all of the

15 information that I had was reported to

16 Mr. Gouthro, Mr. Sprott, all of those supervisors

17 had everything for months, and that I wasn't

18 prepared to have a lengthy discussion at that

19 time.

20 Q. And why were you apprehensive, sir?

21 A. I was very apprehensive because I had

22 seen -- this is a very short period of time. I

23 had -- the more -- as time went by, through July

24 and into August, I kept being pushed further and

25 further out. Tesla interfered with the contract

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2 job, the investigator role.

3 Jeff Jones later interfered and

4 directed Matt German that I would not be involved

5 in a supervisory role. I would not have any

6 investigative capacity. I was banned by

7 Jeff Jones from being inside the Gigafactory. I

8 was further isolated and pushed out and out.

9 But not only that, I had also seen,

10 within about seven hours of Mr. Thompson

11 reporting his theft, the badging system indicated

12 that he had been terminated. And I found that to

13 be amazing, and -- which led me to talk to him

14 and obtain additional evidentiary information.

15 And then I saw -- observed -- what

16 happened with Martin Tripp; Martin Tripp was

17 another individual that was employed there, who

18 had also raised significant allegations regarding

19 scrap, theft of materials high into the seven

20 figures, and, you know, they -- they being Tesla,

21 Tesla put out all sorts of information that --

22 charging Martin Tripp with being heavily armed

23 and coming back to the Gigafactory to shoot the

24 place up. And I did not know what to expect. I

25 had no idea of what to expect.

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2 offer at this time joint Exhibit No. 19.

3 JUDGE HOFFMAN: Any objection?

4 MR. ROBERTSON: This is the TCR?

5 Yeah, no objection.

6 JUDGE HOFFMAN: 19 is in.

7 (Whereupon, Exhibit 19 was received.)

8 JUDGE HOFFMAN: I don't have 186 in

9 either, which is the August 3rd e-mail. Any

10 objection to that one?

11 MR. ROBERTSON: No, no objection to

12 that one.

13 JUDGE HOFFMAN: 186 is in as well.

14 (Whereupon, Exhibit 186 was

15 received.)

16 BY MR. WOODFIELD:

17 Q. Why did you file a TCR with the SEC?

18 A. Because at that time, nothing had

19 been happening. And the pressure on me, I --

20 look, I had been isolated. I was -- I felt I was

21 targeted. I was constantly in a fight or flight

22 mode every time I'd show up out there. And I was

23 aware of serious felony criminal activity ongoing

24 there.

25 And furthermore, I believed there was

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2 And after talking to counsel, I

3 decided I was not going to get in -- engage in

4 any further discussion.

5 Q. And was your entire Tesla e-mail

6 record history available to Tesla at that time?

7 A. Yes, sir.

8 Q. And were all of your database files

9 that you had compiled when you were working for

10 Tesla still available to Tesla?

11 A. Yes, sir.

12 Q. And you referred Tesla to all of your

13 supervisors for your previous reports?

14 A. Yes, sir.

15 Q. What did you do next?

16 A. Next is I worked to prepare the TCR

17 for submission to the SEC.

18 Q. I'm going to show you what's joint

19 exhibit -- what's marked as joint Exhibit No. 19.

20 And this is the TCR, tips,

21 complaints, and referrals that was submitted on

22 your behalf by your prior counsel, or your SEC

23 counsel; correct?

24 A. Yes, sir.

25 MR. WOODFIELD: And I'm going to

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2 sufficient probable cause to engage local, state,

3 and federal law enforcement pertaining to

4 numerous violations of certain criminal statutes,

5 and as well as misstatements being made publicly

6 about what was really going on inside Tesla at

7 that time.

8 And I felt I had -- I felt I had --

9 that was a course of action that I felt

10 appropriate.

11 Q. And I'm now going to show you what's

12 marked as joint Exhibit 6.

13 Is this the press release that your

14 attorney issued on August 16, 2018?

15 A. Yes, sir, it is.

16 MR. WOODFIELD: I'm going to offer at

17 this time joint Exhibit 6.

18 MR. ROBERTSON: No objection.

19 JUDGE HOFFMAN: 6 is in.

20 (Whereupon, Exhibit 6 was received.)

21 BY MR. WOODFIELD:

22 Q. What reaction, if any, was there at

23 the Gigafactory after the press release issued by

24 your attorney was made public?

25 A. Management was surprised. Actually,

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2 some of them said they were surprised; some of  
3 them said they weren't surprised about this.  
4 Q. How do you know that?  
5 A. I'm sorry?  
6 Q. How do you know?  
7 A. Because Mr. Gicinto -- I'm sorry,  
8 Mr. Sprott told me about this. In fact,  
9 Matt German told me that he felt I did the right  
10 thing. And, in fact, I had several conversations  
11 with Mr. German about this.  
12 Mr. McLellan, Mr. McLellan was aware  
13 of this, and Mr. McLellan told me that he  
14 understood, because he himself had been part of  
15 some type of civil action involving a wrongful  
16 termination or something of that in his past.  
17 And they told me that they would do what they  
18 could do to -- to keep me working and to protect  
19 me, but they were concerned about me.  
20 And so colleagues, other associates  
21 mentioned it. People knew about it. And my  
22 understanding that -- was that -- from Mr. Sprott  
23 specifically, that -- because at this time,  
24 Mr. Gouthro was not talking to me, but Mr. Sprott  
25 indicated that Jeff Jones and Elon Musk were

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2 JUDGE HOFFMAN: 183 is in.  
3 (Whereupon, Exhibit 183 was  
4 received.)  
5 BY MR. WOODFIELD:  
6 Q. Where were you when those photographs  
7 were taken?  
8 A. I was working inside that facility.  
9 If I can tell you about that, the -- a decision  
10 had been made to place me in the D quad, way down  
11 up on the boiler room. And I was summoned by  
12 Mr. Shipley to report to the main lobby to  
13 relieve another officer. And so that is what led  
14 me to there where I was stationed, to work the  
15 shift transition.  
16 Q. Did you know that Ken Davis harbored  
17 any thoughts about you being an SEC  
18 whistleblower?  
19 A. No, sir, I did not.  
20 Q. When, if ever, did you appear on  
21 Fox News?  
22 A. That was August 29th of 2018.  
23 Q. And why did you appear on Fox News?  
24 A. That was my attorney, Mr. Meissner,  
25 had arranged that, to discuss the SEC complaint.

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2 pissed off about this. I'm sorry, but that's  
3 what I was told. And that's the extent.  
4 Q. I'm going to show you joint  
5 Exhibit 183.  
6 This is an e-mail sent by  
7 Kenneth Davis on August 23rd. And there are some  
8 pictures in here.  
9 Can you tell me, in the red circles,  
10 who those individuals are?  
11 A. That appears to be me.  
12 Q. And where is that?  
13 A. That's inside the main lobby, the  
14 main access point to the Gigafactory.  
15 Q. And is that surveillance at the  
16 Gigafactory?  
17 A. Yes, sir, it is.  
18 Q. And this would have been dated  
19 August 23rd, after you filed your SEC  
20 whistleblower action and after the SEC TCR press  
21 release; correct?  
22 A. Yes, sir.  
23 MR. WOODFIELD: I'm going to offer at  
24 this time joint Exhibit 183.  
25 MR. ROBERTSON: No objection.

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2 Q. And what did you discuss on Fox News?  
3 A. I discussed the allegations outlined  
4 in the TCR.  
5 Q. And what happened on August 30, 2018,  
6 when you were back at the Gigafactory?  
7 A. An incident involving Mr. Musk  
8 occurred. Mr. Musk came to the Gigafactory  
9 unannounced. He approached through the west  
10 gate, with -- in a Tesla Model S with a driver.  
11 They didn't know that at the time. The vehicle  
12 was approaching fast and flashing its lights. I  
13 was inside a security building and another  
14 officer was outside at the actual gate access  
15 road.  
16 I saw the officer trying to slow down  
17 the vehicle. He was unable to do that. The  
18 vehicle slowed a little bit, but it did not stop.  
19 I stepped down out of the shack and was very  
20 close to the vehicle, and I put my hand up in an  
21 effort to stop that. And Mr. Musk was staring at  
22 me directly. I was looking directly at him.  
23 They -- he dropped his head. He said  
24 something to the driver. The driver and Mr. Musk  
25 looked back at me and all of the sudden they

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2 accelerated at a high rate of speed.  
3 And I got on the phone. I notified  
4 Mr. Shipley in the security operations center  
5 that -- Voyager was his code name, what they  
6 called him within security -- that he had arrived  
7 unannounced at this Gigafactory. And Mr. Shipley  
8 expressed some very significant concern about  
9 that, thanked me, and hung up the phone.  
10 Q. When, if ever, did you hear any  
11 further comments about that?  
12 A. A short time after that, U.S.  
13 Security supervisors came to the gate, and  
14 Mr. McLellan, also on that speakerphone at that  
15 time, indicated that they were directed to  
16 come -- they asked me what the hell happened, and  
17 I explained nothing happened. I just reported  
18 that Mr. Musk showed up. Mr. McLellan advised  
19 Mr. Leslie that he didn't give a damn what the  
20 hell happened to Mr. Hansen, get him the F out of  
21 here. I don't care if you have to take him up in  
22 the hills and hide him, but Musk is pissed. Get  
23 him out of here. And so at that point I  
24 ultimately departed from my shift.  
25 Q. And where did you go?

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2 family; the doctor recommended that. I was under  
3 a tremendous amount of stress, anxiety, severe  
4 hypertension to require medication now. But --  
5 So I did. And I received an e-mail  
6 from Scott Wiebke, who at that time Matt  
7 German -- I was told Matt German was talking to,  
8 and that U.S. Security would offer me another  
9 position at other contractor in the Reno area  
10 upon my return.  
11 Q. Let me show you what's marked as  
12 joint Exhibit 205.  
13 JUDGE HOFFMAN: I'm sorry, what was  
14 the exhibit?  
15 MR. WOODFIELD: 205. Joint  
16 Exhibit 205.  
17 BY MR. WOODFIELD:  
18 Q. And the e-mail came in -- there was  
19 an e-mail chain coming -- forgive me, I'm going  
20 to go back.  
21 Starting off where Scott Wiebke  
22 reached out to you about jobs, and you reported  
23 back that you had been out of time and needed to  
24 take time off as recommended by your doctor. And  
25 he offered you a job; correct?

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2 A. I went home.  
3 Q. And what, if anything --  
4 A. I said --  
5 Q. I'm sorry, go ahead.  
6 A. I was told to go home and await a  
7 phone call.  
8 Q. And then what happened next?  
9 A. Well, I got a call from Matt German  
10 telling me that I was no longer welcome at the  
11 Gigafactory. That Jeff Jones directed him to  
12 have me removed immediately.  
13 And I asked why --  
14 Q. And what date was that?  
15 A. That was August 30th. Or 31st. I  
16 believe that was -- I know Matt German had a call  
17 with him and he told me on the 30th. But I  
18 received a call the following day.  
19 And ultimately, on September 4th, was  
20 when I had a follow-up call, and Matt German had  
21 told me it was time to go and that I was done.  
22 Q. And so what happened then?  
23 A. Well, at that point I needed to take  
24 some time off and kind of figure out what I was  
25 doing. I traveled to Washington to see my

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2 A. Yes, sir.  
3 Q. And how much was the next job you  
4 had? How much did it pay?  
5 A. \$16 an hour, I believe.  
6 Q. And how much time had you taken off  
7 after Tesla had you removed from the Gigafactory  
8 site?  
9 A. Two weeks, if I recall correctly.  
10 Maybe a couple weeks. September 4th. I was back  
11 by October, the beginning of October to start  
12 working.  
13 Q. And why did you take that time off?  
14 A. Because my doctor recommended. I  
15 needed a break.  
16 Q. And where were the new USSA jobs  
17 located?  
18 A. This one particularly was in Verdi,  
19 Nevada.  
20 Q. And what did you do there?  
21 A. Same thing. I was physical security  
22 tasks, such as controls, access control, and  
23 security checks of deliveries coming into this  
24 manufacturing facility.  
25 Q. And how long did you stay in that



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2 job?

3 A. To approximately January 13th or

4 19th. Somewhere in there.

5 Q. I'm going to show you joint

6 Exhibits 221 and 123. Here's 221.

7 Forgive me, that's --

8 Hold on one second.

9 All right. Is this your resignation

10 from USSA?

11 A. Yes, sir.

12 Q. And why did you resign from USSA?

13 A. Because I needed to -- I needed to

14 make additional money. I needed to find

15 something that paid more. And I was also at that

16 time contemplating looking to get back into the

17 federal sector.

18 Q. And I'm going to show you right now

19 Exhibit --

20 Forgive me, I'm going to offer right

21 now joint Exhibit 123.

22 JUDGE HOFFMAN: There being no

23 objection, 123 is in.

24 (Whereupon, Exhibit 123 was

25 received.)

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2 you were still working at the Gigafactory?

3 A. No, sir.

4 Q. And why wouldn't you have resigned if

5 you were still working at the Gigafactory?

6 MR. ROBERTSON: Objection.

7 MS. BRAXTON: Sorry.

8 JUDGE HOFFMAN: I didn't hear the

9 objection.

10 MS. BRAXTON: Strike that.

11 JUDGE HOFFMAN: Okay.

12 BY MR. WOODFIELD:

13 Q. And why wouldn't you have resigned if

14 you were still working at the Gigafactory?

15 A. Again, the same -- the same

16 opportunity, the same place to work. And had I

17 had the ability to continue to perform in that

18 capacity, I saw no reason to leave.

19 Q. What are you currently doing for

20 employment?

21 A. I'm currently a federal civil rights

22 investigator with the U.S. Department of Housing

23 and Urban Development.

24 Q. And when did you start your job

25 with HUD?

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2 MR. WOODFIELD: I'm going to show you

3 right now joint Exhibit 199.

4 Are these your pay stubs while

5 working for USSA?

6 A. Yes, sir. Appear to be. Yes.

7 MR. WOODFIELD: I'm going to offer

8 joint Exhibit 199.

9 MR. ROBERTSON: No objection.

10 JUDGE HOFFMAN: 199 is in.

11 (Whereupon, Exhibit 199 was

12 received.)

13 BY MR. WOODFIELD:

14 Q. Would you have resigned your initial

15 job from Tesla had you not been let go in the

16 RIF?

17 A. No, sir.

18 Q. And why wouldn't you have resigned?

19 A. I enjoyed it. It was -- Tesla was an

20 up-and-coming company. It was a large operation,

21 and it had been explained to me that they were

22 just really in their -- in the preliminary stages

23 of scaling in so many aspects, and I thought it

24 would be interesting to work in that sector.

25 Q. Would you have resigned from USSA if

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2 A. August of -- August of 2020.

3 Q. And what is your compensation at HUD?

4 A. I'm currently a GS-11, Step 5,

5 approximately right at 83,000 a year.

6 Q. And I'm going to show you joint

7 Exhibit No. 111.

8 Is this your most recent resumé up

9 through when you were applying to work for HUD?

10 A. Yes, sir, it is.

11 Q. So you worked for the VA for a while

12 after you worked for USSA?

13 A. That's correct.

14 Q. And it says you worked for a while as

15 a private consultant as well?

16 A. That's correct. I did advocacy work,

17 you know, during this time. For years I've done

18 that, yes.

19 Q. And what did you do for the

20 Boomtown Casino Hotel?

21 A. Boomtown, I was an investigator and a

22 security supervisor.

23 Q. And what about for the El Dorado

24 resorts?

25 A. El Dorado, the role I was hired was



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2 investigator.

3 MR. WOODFIELD: I'm going to offer

4 Exhibit 111 as well.

5 JUDGE HOFFMAN: Any objection?

6 MR. ROBERTSON: No objection.

7 JUDGE HOFFMAN: 111 is in.

8 (Whereupon, Exhibit 111 was

9 received.)

10 JUDGE HOFFMAN: Mr. Woodfield, you

11 mentioned No. 221, which is an e-mail, but you

12 didn't discuss it or move to admit it.

13 MR. WOODFIELD: I realized I had

14 doubled up an exhibit, but no, I'm not going to

15 offer 221.

16 JUDGE HOFFMAN: Okay.

17 BY MR. WOODFIELD:

18 Q. How has the Tesla parties' and USSA's

19 treatment of you impacted you emotionally?

20 A. It's been four years now, right at.

21 And my health has been seriously impacted.

22 Emotionally, I suffered from posttraumatic stress

23 as a result of this situation. I have increased

24 significant hypertension that we are currently

25 still working to -- working with my doctor to get

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2 I felt that I needed to do this. Because what

3 happened was in violation of the law, in my

4 opinion. And I saw no other option that would

5 allow me to pursue relief.

6 MR. WOODFIELD: I don't have any

7 further questions, Your Honor.

8 -----

9 EXAMINATION

10 -----

11 BY JUDGE HOFFMAN:

12 Q. I have one question that I want to

13 ask, but I just didn't hear the answer to. So

14 I'm going to take it a little bit out of turn,

15 and then we can talk about whether or not the

16 respondents want to start their cross-examination

17 now or would you prefer to have a break.

18 But pending that question,

19 Mr. Hansen, I didn't hear your answer to the

20 question: After you were reassigned from the

21 Gigafactory, what -- but you continued to work

22 with USSA, where did you work?

23 A. Your Honor, that was at a company

24 called Arconic in Verdi -- Verdi, Nevada, outside

25 of Reno.

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2 under control, different medications.

3 And emotionally and physiologically,

4 for instance, I suffered from severe acute stress

5 reactions also as a result of this. Emotionally,

6 my anxiety, I'm on medication for anxiety, to

7 deal with the matters associated with that

8 stress. So it has impacted myself, my family.

9 It is -- it has been a life-changing event in so

10 many ways.

11 And I'm working through that. But it

12 has had a tremendous impact emotionally. And I

13 struggle with things. I struggle with -- I

14 struggle with anxiety. I am scared of this high

15 blood pressure, this hypertension issue.

16 Prior to this, I was an avid trail

17 and ultramarathon runner. I mean, I'm starting

18 to get back into those things, but I never had

19 any of these issues. Not this hypertension,

20 never. And so it's been tremendously stressful

21 on myself. And particularly as a father and as a

22 grandfather, it's been a tough ride. So I'm --

23 that's all I can say about that.

24 Q. And why did you pursue this suit?

25 A. Because it was the right thing to do.

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2 JUDGE HOFFMAN: Okay. Thank you.

3 THE WITNESS: You're welcome, sir.

4 JUDGE HOFFMAN: All right. So now,

5 what do you want to do on cross-examination,

6 Respondents?

7 Do you want to take a break?

8 MR. ROBERTSON: I'm happy to start

9 and then we can go -- I don't know when you

10 wanted to break for lunch. Let me go like

11 30 minutes or so, and then...

12 JUDGE HOFFMAN: Okay. All right. So

13 let's plan on breaking then at about 12:30 my

14 time. So that's about 35 minutes, and we'll

15 start cross-examination now from Tesla.

16 MR. ROBERTSON: Okay. Thank you.

17 -----

18 EXAMINATION

19 -----

20 BY MR. ROBERTSON:

21 Q. Mr. Hansen, why don't we start where

22 the testimony left off. You mentioned the

23 emotional stress and the -- all of those things.

24 Did you produce any medical records

25 in this case to us?

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1 Hansen v Elon Musk - Arbitration Day 1  
2 A. I have not at this time, no.  
3 Q. Okay. In addition, did you produce  
4 any of the pay information that you got from the  
5 Boomtown Casino or time?  
6 A. Yes.  
7 Q. That's your testimony, that you  
8 produced that information to us?  
9 A. I provided information on that to  
10 counsel, all my earning statements and W-2s.  
11 Q. Okay. Well, do you know whether that  
12 information has been provided to us?  
13 A. I don't know the answer to that. I  
14 assume they -- I assume it was.  
15 Q. Okay. Well, you had an expert  
16 witness at one point in this case; correct?  
17 A. Yes.  
18 Q. Do you know whether the information  
19 that was provided to your expert was actually  
20 provided to us?  
21 A. I don't know the answer to that.  
22 Q. Well, you didn't in your testimony  
23 point -- like, pull out, like, your pay stubs  
24 from the Boomtown Casino and try to introduce  
25 those into evidence, did you?

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2 was from USSA after you left Tesla in September  
3 of 2018, where there were other opportunities  
4 offered to you.  
5 Do you recall that?  
6 A. Yes.  
7 Q. And if we go to Exhibit 205 -- which  
8 I believe is already in evidence -- there's a  
9 reference to a number of opportunities, one with  
10 UPS, one with Greyhound, and one with Walmart.  
11 Do you recall those opportunities  
12 being offered to you?  
13 A. I believe they were in the e-mail. I  
14 recall that.  
15 Q. Do you have any idea what those  
16 opportunities would have paid?  
17 A. I believe my conversation with  
18 Mr. Wiebke about the pay rates at those  
19 facilities and the number of hours available was  
20 less than what it was as Verdi.  
21 Q. So your testimony -- and this is  
22 important. You said the -- not just the pay  
23 rate, but the number of hours that was available,  
24 those are relevant factors, right, to the job  
25 opportunities you might have?

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2 A. No, I didn't.  
3 Q. Okay. Nor did you put in your pay  
4 stubs from The Row or any of the other places you  
5 worked in order to establish what you had made  
6 after you left USSA.  
7 Isn't that right?  
8 A. Mr. Robertson, I don't think that's  
9 accurate. That information was provided to  
10 counsel, provided to the prior expert, and -- for  
11 them to conduct their analysis. Whether that was  
12 produced here, I don't know.  
13 Q. Well, that wasn't my question. You  
14 just finished testifying, like this morning.  
15 So my question was: Over the last  
16 two and a half hours that you testified, did you  
17 seek in your direct testimony that we just heard  
18 to authenticate or put in the evidence of what  
19 you actually earned from other employment after  
20 January of 2019?  
21 A. As entered and offered exhibits here,  
22 no.  
23 Q. Okay. And I want to go -- again, so  
24 starting where we --  
25 And you just looked at an e-mail that

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2 A. Yes, they would be relevant.  
3 Q. So, for example, if you had an  
4 opportunity that gave you an opportunity to make  
5 more overtime, that would be relevant; right?  
6 A. Potentially, yes.  
7 Q. Okay. Mr. Hansen, you don't deny, do  
8 you, that you removed information from Tesla by  
9 using your Tesla e-mail and sending materials to  
10 your personal Gmail account? Correct?  
11 A. No, sir, I don't.  
12 Q. In fact, among the things that you  
13 sent to yourself from your Tesla e-mail to your  
14 personal Gmail account were information such as  
15 badging records; correct?  
16 A. Yes, sir.  
17 Q. Okay. And photographs from the  
18 interior of the Tesla facility, you admit to  
19 taking those; right?  
20 A. Yes, sir.  
21 Q. And you admit to taking video  
22 surveillance footage, clips of that; correct?  
23 A. Yes, sir.  
24 Q. And in addition, license plate  
25 information, for example, photographs of

<p style="text-align: right;">Page 118</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 individual license plates from the Tesla parking</p> <p>3 lot?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Did you also send to yourself things</p> <p>6 like visitor logs, of who visited the</p> <p>7 Gigafactory?</p> <p>8 A. Yes, sir, I did.</p> <p>9 Q. And you understood that that</p> <p>10 information was proprietary to Tesla; right?</p> <p>11 A. I did, yes.</p> <p>12 Q. Okay. And you knew that Tesla had</p> <p>13 policies and procedures that prohibited removing</p> <p>14 such proprietary information from the facility;</p> <p>15 right?</p> <p>16 A. I did, unless otherwise directed.</p> <p>17 MR. ROBERTSON: I want to go to</p> <p>18 Exhibit 1. Joint Exhibit 1. Anne is making sure</p> <p>19 she has the tech right, and hopefully we can pull</p> <p>20 this up.</p> <p>21 BY MR. ROBERTSON:</p> <p>22 Q. Okay. And, Mr. Hansen, I've put up</p> <p>23 on the screen what's been marked Exhibit 1. This</p> <p>24 is a letter from a law firm Hueston Hennigan</p> <p>25 dated September 4, 2018.</p>	<p style="text-align: right;">Page 119</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 Do you see that?</p> <p>3 A. Yes, I do.</p> <p>4 Q. And it's to a Stuart Meissner.</p> <p>5 Do you know who Mr. Meissner is?</p> <p>6 A. He's my SEC attorney.</p> <p>7 Q. Okay. And did you review or see this</p> <p>8 letter on or around September 4th when it was</p> <p>9 sent to Mr. Meissner?</p> <p>10 A. I did.</p> <p>11 Q. Okay. And if we go down to the</p> <p>12 second paragraph, looking at No. 2 there, it</p> <p>13 says: On June 18, 2018, Mr. Hansen forwarded</p> <p>14 numerous Tesla internal documents to his personal</p> <p>15 Gmail account, including internal security</p> <p>16 badging records which display the recorded dates</p> <p>17 and times that named individuals access Tesla</p> <p>18 facilities, documents from personnel files which</p> <p>19 display employee picture identification, employee</p> <p>20 ID numbers, and personal license plate numbers,</p> <p>21 and photos of facility parking lots taken from</p> <p>22 Tesla security cameras which include date and</p> <p>23 time-stamped photographs of dozens of parked</p> <p>24 cars.</p> <p>25 Do you see that?</p>
<p style="text-align: right;">Page 120</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 A. I do see that, yes.</p> <p>3 Q. Did you send to yourself from your</p> <p>4 Tesla e-mail to your personal Gmail account</p> <p>5 information on June 18, 2018?</p> <p>6 A. I believe I did, yes.</p> <p>7 Q. Okay. And if we go to Exhibit 92.</p> <p>8 MR. ROBERTSON: Oh, can I move to</p> <p>9 introduce Exhibit 1?</p> <p>10 MR. WOODFIELD: No objection.</p> <p>11 JUDGE HOFFMAN: Exhibit 1 is in.</p> <p>12 (Whereupon, Exhibit 1 was received.)</p> <p>13 BY MR. ROBERTSON:</p> <p>14 Q. Let's go to 92, joint Exhibit 92.</p> <p>15 Mr. Hansen, I have an e-mail here.</p> <p>16 It appears to be an e-mail dated June 18th, at</p> <p>17 3:52 p.m., if you look at the top.</p> <p>18 A. Yes, sir.</p> <p>19 Q. And the title is Copper Theft. And</p> <p>20 then it goes on from there. If you go to the</p> <p>21 second page.</p> <p>22 So it looks to be attaching certain</p> <p>23 badging records. Do you see this?</p> <p>24 A. Yes, sir, I do.</p> <p>25 Q. Okay. Is this an e-mail that you</p>	<p style="text-align: right;">Page 121</p> <p>1 Hansen v Elon Musk - Arbitration Day 1</p> <p>2 sent from your Tesla account to your personal</p> <p>3 Gmail account on June 18, 2018?</p> <p>4 A. Yes, it is.</p> <p>5 Q. And I think you testified earlier,</p> <p>6 because you said that this material would be</p> <p>7 available. If someone did an investigation and</p> <p>8 sought to find out what e-mails you had sent from</p> <p>9 your Tesla account, would this be an example of</p> <p>10 the type of e-mail that would -- that they would</p> <p>11 discover?</p> <p>12 A. I would assume so, yes.</p> <p>13 MR. ROBERTSON: I would move</p> <p>14 Exhibit 92 in.</p> <p>15 MR. WOODFIELD: No objection.</p> <p>16 JUDGE HOFFMAN: 92 is in.</p> <p>17 (Whereupon, Exhibit 92 was received.)</p> <p>18 BY MR. ROBERTSON:</p> <p>19 Q. Let's go to 94.</p> <p>20 Mr. Hansen, I've now put up on the</p> <p>21 screen what's joint Exhibit 94.</p> <p>22 Do you see this?</p> <p>23 A. I do, yes, sir.</p> <p>24 Q. And this is an e-mail. It looks to</p> <p>25 be from June 9th of 2018, and again, it's an</p>

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1 Hansen v Elon Musk - Arbitration Day 1  
2 e-mail from your Tesla account to your personal  
3 Gmail account; am I right?  
4 A. You are. Yes, sir.  
5 Q. And am I correct that it's  
6 attaching -- well, why don't you tell me, based  
7 on what you can see here, if you have an  
8 understanding of what types of information are  
9 attached to this e-mail you sent to your personal  
10 e-mail account?  
11 A. This was information related to the  
12 investigation associated with Julio Alarcon, also  
13 the incident for which two individuals were  
14 arrested after being reported by Lynn Thompson.  
15 So this is images. Obviously I  
16 believe these are vehicles accessing -- the time  
17 they're accessing the facility to perpetrate  
18 those crimes.  
19 Q. So, for example, if I count, there's  
20 probably -- I can do the math, but there's well  
21 over 20 photographs of the facility as well as  
22 badging records and other information?  
23 Is that a fair estimate?  
24 A. Yes. Yes.  
25 Q. Let's go to 95 -- oh, I move 94 in.

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1 Hansen v Elon Musk - Arbitration Day 1  
2 the next page.  
3 Is this, again, information, badging  
4 record information that you sent from your Tesla  
5 account to your Gmail account?  
6 A. Yes, sir.  
7 MR. ROBERTSON: I move that document  
8 in.  
9 MR. WOODFIELD: No objection,  
10 Your Honor.  
11 JUDGE HOFFMAN: 96 is in.  
12 (Whereupon, Exhibit 96 was received.)  
13 BY MR. ROBERTSON:  
14 Q. Mr. Hansen, I've now put up on the  
15 screen the joint Exhibit No. 96 [sic]. This  
16 appears to be an e-mail from April 8, 2018 --  
17 April 26 -- again, from your Tesla account, to  
18 your personal Gmail account.  
19 Is that accurate?  
20 A. Yes, sir.  
21 Q. And then there's a number of  
22 attachments here, which appear to be various  
23 photographs. Are these, well, why don't you  
24 explain. What are these attachments?  
25 And just specifically what are

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2 MR. WOODFIELD: No objection.  
3 JUDGE HOFFMAN: 94 is in.  
4 (Whereupon, Exhibit 94 was received.)  
5 BY MR. ROBERTSON:  
6 Q. Let's go to 95.  
7 Mr. Hansen, showing you what's been  
8 marked joint Exhibit 95. Looks to be additional  
9 badging records that are being forwarded from you  
10 to your personal e-mail account; is that correct?  
11 A. Yes, sir.  
12 MR. ROBERTSON: I'll move 95 in,  
13 please.  
14 MR. WOODFIELD: No objection.  
15 JUDGE HOFFMAN: 95 is in.  
16 (Whereupon, Exhibit 95 was received.)  
17 MR. ROBERTSON: 96.  
18 BY MR. ROBERTSON:  
19 Q. Mr. Hansen, I've now put up on the  
20 screen Exhibit 96, joint Exhibit 96.  
21 This is an e-mail from your Tesla  
22 account to your Gmail account on June 15, 2018,  
23 and we looked at it. It appears to have seven  
24 attachments. And on the first page there's  
25 certain badging records and then it carries on to

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2 they -- what are they documents of or photographs  
3 of?  
4 A. They're screenshot images. They  
5 appear to be screenshot images obtained during  
6 the course of an investigation.  
7 Q. And those screenshot images are from  
8 the Tesla security cameras; correct?  
9 A. Yes, they are.  
10 Q. Okay. So I just -- so the arbitrator  
11 can understand, Tesla has a number of cameras  
12 located around the Gigafactory facility; correct?  
13 A. Yes, they do.  
14 Q. Okay. And those cameras capture  
15 images of various aspects of the factory, and the  
16 comings and goings of individuals coming to and  
17 from the factory; is that fair?  
18 A. That is. They do, and they can, yes.  
19 Q. And what you've done here is taken  
20 clips from those video camera feeds, and that's  
21 what you're sending from your Tesla account to  
22 your personal account; is that correct?  
23 A. That is correct. That appears to  
24 be -- I can't tell whether they're -- I think  
25 they're screenshots. I don't know if they're

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2 actual videos, but yes.

3 Q. Okay.

4 MR. ROBERTSON: Let's go to 100. And

5 move 99, please.

6 MR. WOODFIELD: No objection.

7 JUDGE HOFFMAN: 99 is in.

8 (Whereupon, Exhibit 99 was received.)

9 BY MR. ROBERTSON:

10 Q. This is joint Exhibit 100,

11 Mr. Hansen. This is now July 17, 2018. And

12 again, from your Tesla account to your personal

13 account.

14 Do you see that?

15 A. I do. Yes, sir.

16 Q. So as of July 17, 2018, your Tesla

17 account was still active; correct?

18 A. I believe it was, yes. Until shortly

19 thereafter.

20 Q. So this is actually the day that you

21 started at USSA; correct?

22 A. Based on -- I think it was the 17th,

23 yes.

24 Q. And so here, if I'm correct, are you

25 forwarding to yourself, from your Tesla account

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2 BY MR. ROBERTSON:

3 Q. Okay. And again, this is something

4 that you sent from your Tesla e-mail to your

5 personal Gmail account; correct?

6 A. Yes, sir.

7 MR. ROBERTSON: I move that document

8 in, please.

9 JUDGE HOFFMAN: There being no

10 objection, 100 is in.

11 MR. WOODFIELD: There's no objection.

12 (Whereupon, Exhibit 100 was

13 received.)

14 BY MR. ROBERTSON:

15 Q. So let's go back to what was joint

16 Exhibit 6. It's already in evidence.

17 You were shown this document during

18 your direct testimony.

19 You recall that, Mr. Hansen?

20 A. Yes, sir, I do.

21 Q. And this is the press release that

22 your attorney issued on -- it appears to be

23 August 16, 2018; is that correct?

24 A. Yes, sir.

25 Q. So it wasn't just that you went to

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2 to your personal Gmail account, are these

3 visitors -- names of visitors to the Gigafactory

4 that visited on June 29th?

5 A. Can you scroll down that document for

6 me, please?

7 [Document review.]

8 A. If you could keep going.

9 [Document review.]

10 If you could go through -- keep

11 going, sir.

12 [Document review.]

13 MR. ROBERTSON: Actually, Anne is in

14 control.

15 THE WITNESS: Oh, okay, ma'am.

16 Sorry.

17 MR. ROBERTSON: No problem.

18 MS. DUNNE: No worries.

19 MR. ROBERTSON: Gotta give respect

20 where respect is due.

21 THE WITNESS: If you could keep going

22 through them, please, for me.

23 A. Yes, these are tours. Specifically

24 this was related to inquiries into lithium, and

25 vendors. Ms. Carroll sent that to me, but yes.

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2 the Securities and Exchange Commission and filed

3 the TCR. You also put out a press release about

4 it through your attorney; isn't that correct?

5 A. My attorney did the press release.

6 With my cooperation, yes.

7 Q. Did you review the press release

8 before it was sent?

9 A. I did, yes.

10 Q. Okay. Let's go to the second page.

11 And did you confirm that the

12 information in the press release was accurate?

13 A. I did, yes.

14 Q. The second paragraph, you talked

15 about this -- you know, your concerns about drug

16 cartel activity.

17 Do you recall that?

18 A. Yes, sir.

19 MR. ROBERTSON: Can we bring it up so

20 folks can see it, Anne, a little bit? The second

21 paragraph that starts "Failed"?

22 I just want to make sure people can

23 read this.

24 BY MR. ROBERTSON:

25 Q. So one of the allegations in this

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2 press release is that Tesla: Failed to disclose

3 a recent internal investigation by Tesla into a

4 May 24, 2018 written notification it received

5 from the U.S. Drug Enforcement

6 Administration/Storey County Sheriff's Office

7 Task Force, all caps, and then DEA in quotes.

8 Do you see that?

9 A. I do.

10 Q. Is there any such thing as the U.S.

11 Drug Enforcement Administration/Storey County

12 Sheriff's Office Task Force?

13 A. There is a counterdrug task force.

14 And as you are probably aware, there are

15 multiagency counterdrug task forces comprised of

16 varying law enforcement agencies, particularly in

17 my experience and, as I was told by Mr. Gouthro

18 and Mr. Sprott upon receiving this document, that

19 this came from a member of the Storey County DEA

20 task force.

21 Q. That wasn't my question. So,

22 Mr. Hansen, I am happy to -- I want the testimony

23 to be as complete as possible. But on

24 cross-examination, I'm going to ask you some

25 questions where I'm going to ask for a "yes" or

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2 finding out about it, was that that tip line went

3 into law enforcement, to Storey County Sheriff's

4 Department. That's the way I interpreted the

5 information I received later.

6 Q. Well, do you know whether in

7 connection with this anonymous tip -- and I

8 understand the tip was anonymous; right?

9 A. I do now know that, yes.

10 Q. Okay. Do you know whether any member

11 of law enforcement did anything to investigate

12 or, quote, verify anything in that anonymous tip?

13 A. I was told, when it was given to me

14 on more than one occasion, that the deputy, who

15 was purportedly a member of the DEA task force

16 for Storey County, had preliminarily validated

17 information in the tip.

18 Q. You were told that by whom?

19 A. I was told that by my supervisor,

20 Mr. Gouthro.

21 Q. Did anyone else tell you that?

22 A. Mr. Sprott later confirmed that, in

23 conversations with myself and Mr. Gouthro, on

24 numerous -- several of the briefings that I would

25 give them pertaining to these allegations.

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2 "no" answer. And to the extent you can --

3 obviously if you need to explain, your lawyer can

4 do that on redirect as well. But it's --

5 Anyway, are you aware of any

6 organization that is known as the U.S. Drug

7 Enforcement Administration/Storey County

8 Sheriff's Office Task Force?

9 A. Not in those specific words --

10 Q. Okay.

11 A. -- no.

12 Q. In fact, didn't you know that the tip

13 that came in was actually from an organization

14 called Secret Witness?

15 A. I learned that long after this.

16 Q. So what you're saying is you know

17 that now --

18 A. Correct.

19 Q. -- that, in fact, this tip didn't

20 come from any government organization, it came

21 from a nonprofit known as Secret Witness.

22 A. I don't know about the corporate

23 status of Secret Witness. My understanding is

24 that Secret Witness is a tip line that was set

25 up. And my understanding of it, upon a later

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2 Q. That's what I understood --

3 Oh, sorry.

4 A. So --

5 Q. So is it now your testimony that both

6 Mr. Gouthro and Mr. Sprott, at Tesla, confirmed

7 to you that this anonymous tip had been verified

8 by the U.S. Drug Enforcement Administration?

9 A. No, that's not what I testified to.

10 Q. Okay.

11 A. I stated that Mr. Gouthro and

12 Mr. Sprott both had told me that the information

13 had been preliminarily validated by Deputy -- I

14 believe it was Mendoza, who was a task force

15 member of the Storey County DEA task force.

16 Q. So preliminarily validated. That's

17 what you were told by another Tesla employee.

18 A. That's correct. My supervisor,

19 that's correct.

20 Q. And other than that, hearing that

21 from these two people, did you do anything on

22 your own to determine whether in fact the

23 United States Drug Enforcement Administration had

24 actually done anything in connection with this

25 anonymous tip through Secret Witness?



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2 A. My attorney spoke with DEA directly.

3 And I'm not going to get into those discussions I

4 had with him, but he did have a conversation with

5 the DEA. And as -- if you know federal law

6 enforcement, they will confirm or deny the very

7 existence of these types of investigations, and

8 that was the answer that he received.

9 Q. So the answer is no to my specific

10 question? My specific question is, did you ever

11 get any confirmation from anybody specific to the

12 fact that whether the department -- U.S.

13 Department of -- or U.S. Drug Enforcement

14 Administration actually did anything in

15 connection with this anonymous tip?

16 A. No, I didn't.

17 Q. Okay. But that's what you put in a

18 press release that was issued at the time that

19 you submitted the claim with the SEC; correct?

20 A. Yes, sir.

21 Q. Similarly, if we go to the first page

22 in this press release.

23 So the first bullet says: Failed to

24 disclose thefts of copper and other raw materials

25 through Tesla's Gigafactory valued at over

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2 happened to those investigations, but there were

3 a significant number of them.

4 Q. Well, do you remember when you were

5 deposed in this case?

6 A. Yes, I do.

7 Q. And your testimony was given under

8 oath; correct?

9 A. I do.

10 Q. Do you recall whether in your

11 deposition you were able to quantify any specific

12 copper thefts beyond the \$13,000 at issue in the

13 Lynn Thompson matter?

14 A. I don't recall specifically.

15 Q. Okay.

16 A. Probably not. What was your

17 question? Specifically?

18 Q. I think you answered the question. I

19 think I'm fine.

20 A. Okay. Thank you.

21 Q. So, Mr. Hansen, you'll agree with

22 me -- I think you testified to this on direct --

23 that you were not willing after August 3rd to

24 meet with Tesla investigators beyond that one

25 meeting with Mr. -- and I think we all pronounce

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2 \$37 million which occurred between January and

3 June 2018.

4 Do you see that?

5 A. I do see that, yes, sir.

6 Q. Do you have any evidence, document,

7 or written evidence of any thefts that occurred

8 during the period January through June 2018 other

9 than the \$13,000 attempted theft that

10 Mr. Thompson raised when the two folks were

11 arrested?

12 A. The evidence is in the records. Yes,

13 there is evidence of that.

14 Do I have it? No longer. I don't

15 have that.

16 Q. Okay. Were you personally involved

17 investigating any specific theft of copper other

18 than the Lynn Thompson?

19 A. I -- yes. Yes.

20 Q. Do you have any quantification that

21 you can give me of how much copper we're talking

22 about, how much was involved, in the things that

23 you actually personally investigated?

24 A. I don't know. I can't give an

25 estimate to that. I don't know what ever

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2 it differently -- Gecewich from Tesla Human

3 Resources. Is that correct?

4 A. Yes.

5 Q. And there were requests made to you

6 to cooperate in the investigation; correct?

7 A. There was the initial request by

8 Mr. Gecewich.

9 Q. And again, you -- other than that

10 initial meeting, beyond that you refused to

11 cooperate; is that fair?

12 A. That is fair, yes.

13 MR. ROBERTSON: Actually, Your Honor,

14 this might be a good point. I think we're close

15 enough, if everyone agrees. About four minutes

16 shy of 12:30.

17 JUDGE HOFFMAN: Okay. That's fine.

18 MR. ROBERTSON: And I'll organize a

19 little bit. It will make it smoother when we

20 start up again.

21 JUDGE HOFFMAN: Okay, good. Well,

22 let's go ahead and take a break from now until

23 the top of the hour, which is about 30 minutes.

24 MR. ROBERTSON: Your Honor, may I

25 make a quick request?



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2 JUDGE HOFFMAN: Sure.

3 MR. ROBERTSON: Since Mr. Hansen is

4 in the midst of his cross, can I ask for a

5 direction that he not confer with his counsel?

6 JUDGE HOFFMAN: About any pending

7 questions?

8 MR. ROBERTSON: Well, I just -- it's

9 up to you. Typically when someone is in the

10 middle of cross, we have requested that they not

11 have the opportunity to --

12 I guess about any of the prior

13 testimony. I mean, obviously anything we haven't

14 asked him about.

15 JUDGE HOFFMAN: Mr. Woodfield, do you

16 have any objection to that instruction?

17 MR. WOODFIELD: No, not at all.

18 JUDGE HOFFMAN: Okay. Mr. Hansen,

19 don't discuss your testimony with anyone.

20 MR. ROBERTSON: And we'll

21 obviously -- we'll obviously abide by that with

22 our witnesses as well.

23 JUDGE HOFFMAN: Okay.

24 All right. Thank you very much.

25 We'll see you in about a half hour.

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2 Do you see that?

3 A. Yes, sir.

4 Q. You had mentioned that you were

5 working for the federal government in southern

6 California and making over \$100,000 in annual

7 salary; correct?

8 A. Yes, sir.

9 Q. And isn't it true that in addition to

10 that, you had retirement contributions?

11 A. I have disability pay.

12 Q. Okay. So even more than \$100,000 you

13 were being paid when you were working with the

14 government; correct?

15 A. Yes, sir.

16 Q. Okay. And yet, I think you testified

17 to this, you took this job at \$16.50 an hour as

18 part of your move to Reno; is that fair?

19 A. Yes, sir.

20 Q. Isn't it a fair statement,

21 Mr. Hansen, that this job was always a short-term

22 job?

23 A. I don't think that's a fair

24 statement, no.

25 Q. Okay. That's fine, Mr. Hansen.

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2 MR. ROBERTSON: Thank you.

3 THE WITNESS: Thank you.

4 (Recess taken, 12:28 p.m. to

5 1:03 p.m. PDT)

6 JUDGE HOFFMAN: Let's continue with

7 cross-examination of Mr. Hansen by Mr. Robertson

8 and we're on the record.

9 MR. ROBERTSON: Thank you. Let's go

10 to joint Exhibit 126, which I believe is already

11 in the record.

12 BY MR. ROBERTSON:

13 Q. So, Mr. Hansen, during your direct

14 testimony, you were shown the offer letter from

15 Tesla dated February 26, 2018.

16 Do you see that?

17 A. Yes, sir.

18 Q. And do you recall when you actually

19 applied for the position?

20 A. I don't.

21 Q. Okay. Sometime before February of

22 2018?

23 A. Yes, sir.

24 Q. And on the very first page, it says

25 your rate of pay will be \$16.50 per hour.

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2 Let's go to the second page.

3 Let me do follow-up on that.

4 During the time that you went up to

5 Reno, did you ever look for any federal

6 government employment?

7 A. Yes, sir, I did.

8 Q. So during this period you were

9 actually looking for other employment potentially

10 with the federal government; correct?

11 A. Yes, sir, I was.

12 Q. Okay. And you understand that -- as

13 a former government employee myself, that more

14 likely than not, when you leave a certain step,

15 the hope is you can go back in at that step;

16 correct?

17 A. Yes, sir, I'd agree with that.

18 Q. If we look at the next page, the

19 first nonindented paragraph starts: The company

20 is excited.

21 Do you see that?

22 A. Yes, sir.

23 Q. And you agree that the document

24 states that: Your employment with the company is

25 for no specified time period and constitutes

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2 at-will employment; right?  
3 A. Yes, sir.  
4 Q. And you understood that. You  
5 understood that your employment with Tesla  
6 beginning in -- when you started in  
7 February-March of 2018 was at will; correct?  
8 A. Yes, sir, I did.  
9 Q. And likewise, you could leave at any  
10 time as well?  
11 A. Yes, sir.  
12 MR. ROBERTSON: And if we go down,  
13 Anne.  
14 BY MR. ROBERTSON:  
15 Q. In the second-to-the-last paragraph  
16 there at the bottom, states: As a Tesla  
17 employee, you will be expected to abide by all  
18 Tesla policies and procedures, and as a condition  
19 of your employment, you will sign and comply with  
20 Tesla's standard confidentiality agreement which  
21 prohibits unauthorized use or disclosure of Tesla  
22 confidential information or the confidential  
23 information of Tesla clients.  
24 Do you see that?  
25 A. Yes, sir.

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2 A. I did not.  
3 Q. Can we go to pull up joint  
4 Exhibit 131?  
5 Mr. Hansen, I'm pulling up an e-mail.  
6 It's been identified as joint Exhibit 131. It's  
7 an e-mail from May of 2018, between Marshall  
8 Sprott and Jeff Jones.  
9 A. I see it, yes, sir.  
10 Q. Okay.  
11 MR. ROBERTSON: And, Nick, I'd move  
12 this in.  
13 MR. WOODFIELD: No objection.  
14 JUDGE HOFFMAN: 131 is in.  
15 (Whereupon, Exhibit 131 was  
16 received.)  
17 MR. ROBERTSON: Thank you,  
18 Your Honor.  
19 BY MR. ROBERTSON:  
20 Q. And the subject line is "Officer  
21 Justifications."  
22 Do you see that?  
23 A. Yes, I do.  
24 Q. And there's a list of people --  
25 MR. ROBERTSON: If we start at the

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2 Q. And you understood that agreeing to  
3 these confidentiality provisions was part of the  
4 agreement that you had with Tesla when you became  
5 employed by them; correct?  
6 A. Yes, sir.  
7 Q. Did you also understand that to the  
8 extent you left Tesla, you had an obligation to  
9 return any Tesla materials that you had -- that  
10 you had in your possession?  
11 A. Not at that time, I did not realize  
12 that.  
13 Q. Thank you. Do you realize that now?  
14 A. On seeing these documents and  
15 throughout the course of discovery, and during  
16 our deposition, you had asked that question, I  
17 believe. But yes, I understand that.  
18 Q. Okay. So whether you knew it then or  
19 now, you do understand that part of the  
20 obligation you had was to return any Tesla  
21 materials that you had upon your separation from  
22 Tesla; correct?  
23 A. Yes.  
24 Q. And you did not do that; is that  
25 correct?

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2 bottom. Anne, if you can scroll down to the  
3 bottom of this e-mail.  
4 Actually, go to the bottom of the  
5 first page. Yeah, right there. Perfect. That  
6 should get everybody.  
7 BY MR. ROBERTSON:  
8 Q. There's a list of people that starts  
9 with Amber Dobbins, then there is a Bruce Huddler  
10 and then it goes on.  
11 Do you see that?  
12 A. Yes, sir.  
13 Q. Okay. Let's talk for a second about  
14 Bruce Huddler.  
15 Did you know who Mr. Huddler was?  
16 A. Yes, I do.  
17 Q. And it says here, he's law  
18 enforcement, Army, Navy and SWAT veteran with  
19 over 30 years of security, law enforcement, huge  
20 asset to the team.  
21 Do you see that?  
22 A. Yes.  
23 Q. And was he in the security side of  
24 the business, if you will?  
25 A. He was in the operational physical

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2 security side, yes.

3 Q. Yes. So he was essentially in the

4 same general group that you were in; is that

5 fair?

6 A. Yes.

7 Q. And was he a supervisor?

8 A. I don't recall, honestly.

9 Q. Okay. Would you agree with me that

10 he had more experience than you?

11 A. He did have years in before me, yes.

12 Q. Okay. Let's go to the next -- down

13 on the next page. There's someone named

14 Kevin Swindle.

15 Do you see that?

16 A. Yes.

17 Q. Do you know who Mr. Swindle was?

18 A. Yes, I did.

19 Q. And it says: Navy Master of Arms,

20 military law enforcement background and casinos,

21 and then to us. An incredible performer with

22 ambitions to match.

23 Do you see that?

24 A. I do, yes, sir.

25 Q. To the extent you knew Mr. Swindle,

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2 A. Yes.

3 Q. And won officer of the month for

4 March.

5 And it says: Currently working with

6 me on an Officer Training Program and Officer

7 Field Manual.

8 Do you see that?

9 A. I do, yes.

10 Q. And were you aware that Mr. Sidher

11 was working with Mr. Sprott on those things at

12 this time?

13 A. I was aware that he was working with

14 Mr. Sprott on those things, specifically an SOP.

15 Q. So would you agree with me that this

16 group of folks in the security group is a pretty

17 talented group?

18 A. I would, yes.

19 Q. And that it was competitive within

20 the group to -- for promotions or to be

21 successful within the group?

22 A. I would, yes.

23 Q. And would you agree with me that the

24 fact that you may have been, you know, moved over

25 to USSA, could have just simply been that there

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2 is that an accurate description of him?

3 A. It absolutely is. Mr. Swindle is a

4 stand-up guy.

5 Q. Okay. Likewise, if we look at

6 Marcus Rogers, it says: Very hard-working

7 officer that previously worked security.

8 A. I don't know who he is.

9 Q. So two down from Mr. Swindle, do you

10 see Mr. Rogers?

11 A. Yes, I see him.

12 Q. And did you know who Marcus Rogers

13 was at that time?

14 A. I don't recall that name at all,

15 actually.

16 Q. It talks about him currently working

17 on several major projects for security.

18 Do you have any understanding of what

19 those projects might have been?

20 A. No, I don't.

21 Q. And then Rahul Sidher, S-I-D-H-E-R.

22 Do you know who that was?

23 A. Yes.

24 Q. This is my No. 1 officer.

25 Do you see that?

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2 was -- there were others that were more talented

3 than you, with more experience?

4 A. Can you restate your question,

5 please.

6 Q. Sure.

7 I'm just saying, is it possible that

8 the reason that -- when the RIF came along, that

9 the reason you were put on the list for the RIF

10 was simply because there were more talented

11 people that Mr. Sprott decided he would rather

12 keep than you?

13 A. I would disagree with that.

14 Q. So you thought you were more talented

15 than all of these people?

16 A. That wasn't my answer, no.

17 Q. Okay.

18 A. I was working --

19 Q. Okay.

20 A. I'm sorry. I was working in

21 investigations at that time.

22 Q. But that wasn't the position you were

23 offered at U.S. Security; correct?

24 A. In May -- this e-mail during May, I

25 had transitioned over, and it said Mr. Hansen was

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2 working under Sean as an investigations officer.

3 So those other folks were not part of the

4 investigations team.

5 Q. So why are you even on this list?

6 A. I can't answer that.

7 Q. Let's go to 130.

8 Actually, no.

9 Let me just ask you, Mr. Hansen: Do

10 you know who Ivan Garcia Flores was? No exhibit,

11 just do you know who that was in that June of '18

12 time frame?

13 A. Ivan Garcia Flores. I don't recall.

14 I mean, I think there might have been an officer

15 named Flores in security, but I don't -- that

16 name doesn't really ring a bell.

17 Q. What about James Null?

18 A. James Null. That name -- yes. Yes,

19 I remember James Null.

20 Q. And do you -- were you part of any

21 discussions with either Mr. Flores or Mr. Null --

22 were discussed as potentially not being part of

23 the RIF?

24 A. I can't recall.

25 Q. Do you know whether they ended up

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2 A. Yes, sir.

3 Q. And it says: Please match if

4 possible.

5 Do you see that?

6 And so is it your recollection that

7 there were roughly 17 people that were part of

8 this RIF along with you? That were internal?

9 A. That is a number that I recall, yes.

10 Q. Okay.

11 MR. ROBERTSON: Move 181 in.

12 MR. WOODFIELD: No objection.

13 JUDGE HOFFMAN: 181 is in.

14 (Whereupon, Exhibit 181 was

15 received.)

16 BY MR. ROBERTSON:

17 Q. Mr. Hansen, you did, in fact, apply

18 for a position with U.S. Security; correct?

19 A. Yes, I did.

20 MR. ROBERTSON: Let's go to

21 Exhibit 22.

22 So this is already in.

23 JUDGE HOFFMAN: Are you saying 22?

24 MR. ROBERTSON: 22, two-two.

25 JUDGE HOFFMAN: Yes, I have 22 in.

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2 being part of the RIF?

3 A. No, sir, I do not know.

4 Q. Yeah, let's go to 181.

5 So, Mr. Hansen, showing you 181,

6 which is an e-mail from Mr. German to Mr. Jones,

7 at the top, and then below that is an e-mail,

8 looks like from Mr. Gouthro.

9 A. If you could keep scrolling down a

10 little bit, please. I don't see Mr. Gouthro's

11 header there.

12 MR. ROBERTSON: Yeah, pull up,

13 actually, Anne.

14 THE WITNESS: Oh, okay.

15 MR. ROBERTSON: Go up.

16 BY MR. ROBERTSON:

17 Q. Do you see right there?

18 A. I see it now.

19 Q. Okay. So, the e-mail to Matt, I

20 assume that's Matt German, says: There's 17

21 names are internals we would like to see come on

22 board with your organization.

23 Do you see that?

24 A. Yes, sir, I do.

25 Q. And their pay rates are listed?

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2 BY MR. ROBERTSON:

3 Q. So, Mr. Hansen, do you recall in your

4 direct testimony, you were asked questions about

5 the agreement that you signed with -- the

6 agreement you signed in connection with taking

7 the position at USSA?

8 A. Yes, sir.

9 Q. Okay. And looking at Exhibit 22 --

10 MR. ROBERTSON: If we go to the

11 signature page, I just want to confirm that's his

12 signature. Let's go up a little bit.

13 BY MR. ROBERTSON:

14 Q. Is that on that page there,

15 Mr. Hansen, is that your signature?

16 A. It is, yes, sir.

17 Q. And does that reflect that the date

18 that you signed this was July 17, 2018?

19 A. Yes, it does.

20 Q. Okay. If we go to the first page.

21 There's -- on the left side, there's a paragraph

22 that states, Policy.

23 Do you see that?

24 A. Yes, I do.

25 Q. Okay.

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2 A. Thank you. That's better.

3 Q. Yeah. And it states: Even though

4 the supplier is my employer, I agree to comply

5 with both the supplier and Tesla's rules of

6 conduct. And then it goes through a list of

7 policies.

8 Do you see that?

9 A. I do, yes.

10 Q. Okay. And did you understand that

11 by -- even though you were working at USSA, by

12 being positioned back at Tesla, that you were

13 agreeing to abide not only by USSA's policies but

14 also to Tesla's policies?

15 A. I did, yes.

16 Q. Okay. And you understood that one of

17 those policies is reflected in the next

18 paragraph, paragraph 2 here, was policies related

19 to Tesla's information.

20 A. Yes, sir.

21 Q. Then, if we go to paragraph 9.

22 Paragraph 9, Mr. Hansen, do you see

23 there where it says Contractor Relationship? It

24 says: I understand and agree that nothing in

25 this agreement shall confer any right with

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2 unless in writing and signed by the party to be

3 charged.

4 Do you see that?

5 A. Yes, sir, I do.

6 Q. Okay. So you understand -- did you

7 understand, when you signed this agreement, that

8 any prior discussions you'd had, verbally or

9 otherwise with anyone at Tesla or USSA, were

10 superseded at this agreement?

11 A. Yeah, at the time I signed it, I

12 probably was not aware of that.

13 Q. Okay.

14 A. But I'm aware of it now.

15 Q. You understand it now; correct?

16 A. I do, yes, sir.

17 Q. Okay. So to the extent that you had

18 any discussions about a salaried position or a

19 particular investigator position, you understood

20 that accepting a role as a security guard through

21 USSA with this agreement, that that essentially

22 took place of -- replaced any of those prior

23 discussions?

24 A. I see what it says. I read it. I

25 acknowledged that's what it stated. At that time

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2 respect to continuation of contractor

3 relationship, nor shall it interfere in any way

4 with my right or Tesla's right to end my

5 contractor relationship at any time with or

6 without cause.

7 Do you see that?

8 A. Yes, sir, I do.

9 Q. And you understood that that was a

10 term of the agreement that you signed at the time

11 that you moved to USSA in July of 2018; correct?

12 A. Yes, sir.

13 Q. Let's to go 14.6.

14 And then, looking at paragraph 14.6,

15 that states: This agreement is the final,

16 complete, and exclusive agreement of the parties

17 with respect to the subject matter hereof, and

18 supersedes and merges all prior or

19 contemporaneous discussions or agreements between

20 us regarding such subject matter.

21 Do you see that?

22 A. I see that, yes.

23 Q. It also says: No modification or

24 amendment to this agreement nor any waiver of any

25 rights under this agreement will be effective

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2 I did not.

3 Q. Okay. But before you signed this,

4 did you ask anybody about it?

5 A. No. At that point what was done was

6 done.

7 Q. Mr. Hansen, I'm going to direct you

8 to Exhibit 121. This is an exhibit that you were

9 shown in your direct testimony.

10 A. Yes, sir.

11 Q. And you testified, I think on

12 multiple occasions during your direct testimony,

13 that your salary or your wage at USSA was \$27 an

14 hour.

15 That was your testimony; right?

16 A. Yeah, it became 27 an hour, if I

17 recall correctly.

18 Q. Well, I think that's important.

19 That's why I want to focus on this.

20 What was your actual salary when you

21 started at USSA?

22 A. I can't recall specifically the

23 timing of that.

24 Q. Do you know what it was on

25 September 4th, when you were asked to no longer

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2 be stationed at the Tesla facility?  
3 A. I believe I was still at the 27 an  
4 hour rate.  
5 Q. Okay. And that's -- sitting here  
6 today, that's your recollection?  
7 A. I said I believe it was, yes. I  
8 believe that's --  
9 Q. I'm sorry. I don't want to  
10 interrupt.  
11 But did you go back and look at your  
12 pay records before your testimony today?  
13 A. No. I did not.  
14 Q. Okay. And again, you started at USSA  
15 on July 17th; correct?  
16 A. Yes.  
17 Q. Okay. These texts that we're looking  
18 at here -- well, actually, they run certain  
19 dates.  
20 MR. ROBERTSON: So let's go to  
21 KH 0861. So at the top.  
22 BY MR. ROBERTSON:  
23 Q. So this looks to be a text string  
24 that starts around July 11th of 2018.  
25 Am I reading that right, Mr. Hansen?

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2 what the specifics are, but I can offer you an  
3 officer role at 19.80. I truly hate doing this  
4 and don't understand why, but I have my orders.  
5 Do you see that?  
6 A. I do, yes, sir.  
7 Q. Okay. And, in fact, isn't it true  
8 that the job you took was an officer role at  
9 \$19.80 an hour when you started at USSA on  
10 July 17, 2018?  
11 A. I do not recall specifically, but  
12 seeing that 19.80 does reflect my memory, yes. I  
13 do believe that at that point, I was making that  
14 money.  
15 Q. Okay. And that's my point. So you'd  
16 had discussions about other potential jobs, other  
17 potential pay?  
18 A. Yes, sir.  
19 Q. Maybe a supervisor, maybe other  
20 things, but ultimately you were told by  
21 Matt German on July 11th, six days before you  
22 started, that the job you were actually being  
23 offered was as an officer role at \$19.80 an hour;  
24 correct?  
25 A. Yes, sir.

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2 A. Yes, sir.  
3 Q. Okay. So -- and this is before you'd  
4 agreed to start at USSA?  
5 Right?  
6 A. I'm not sure I understand the  
7 question.  
8 Q. Just July 11th is before July 17th.  
9 A. Oh, it is, yes. Yes.  
10 Q. Okay. My point is, until you started  
11 work on July 17th, you had the option to not take  
12 the job at USSA and go look for another job;  
13 right?  
14 A. You're absolutely right, yes.  
15 Q. Right. And you elected --  
16 understanding what the job would be and  
17 understanding what you would do, you decided you  
18 still wanted to work at USSA starting on  
19 July 17th.  
20 A. Yes, sir, I did.  
21 Q. Okay. And now go to the next page.  
22 It looks to be a text here. It says:  
23 I'm clarifying with Rick. I want you as the  
24 swing sup until you can land an investigator  
25 role. It says: I got shut down. I don't know

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2 Q. And that's the job you took?  
3 A. It is.  
4 Q. Okay. All right. Mr. Hansen, I'm  
5 going to direct your attention to Exhibit 33.  
6 And I'm just going to apologize. I mean, it's  
7 your text, but there's some language in there. I  
8 think we can all handle it, but...  
9 So, Mr. Hansen, this is a document  
10 that's been identified as Exhibit 33.  
11 A. Sure.  
12 Q. It appears to be a text from June 8th  
13 at 7:30 p.m.  
14 A. Yes, sir.  
15 Q. Can you just tell me who this text is  
16 with?  
17 A. That was my then roommate, ultimately  
18 became my roommate, Missy Wells, Melissa Wells.  
19 Q. Did you refer to Missy Wells at one  
20 point as your common-law wife?  
21 A. I did, yes.  
22 Q. Okay. But the wife you mentioned  
23 earlier with the five kids, is that Missy or --  
24 A. That's somebody else. It's my wife.  
25 My original wife.



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2 Q. Okay. So this seems to be

3 referencing some conversation you had with

4 Mr. Gouthro?

5 A. It is, yes.

6 Q. Okay. And do you have any idea where

7 Mr. Gouthro obtained the information that you are

8 conveying then to Ms. Wells here?

9 A. Mr. Gouthro indicated that

10 information came from his contact on the Storey

11 County DEA Task Force, and, in fact, his

12 meetings, according to Mr. Gouthro, with his law

13 enforcement contacts he had. So that's where

14 this came from.

15 Q. Do you have any idea who these law

16 enforcement contacts were?

17 A. I know -- I believe I said what is

18 Mendoza or Mendez, if I recall correctly, was the

19 name of the particular officer. I know that on

20 5-24 of '18 -- actually, no, that's the only one

21 I know is Mendoza.

22 Q. And it mentions in here: Here's the

23 damn deal. And it says: We will be discussing

24 witness protection as a real possibility.

25 A. Yeah, I --

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2 that, he had set up these meetings, he said.

3 And after not seeing them come to

4 fruition, my requests to meet with law

5 enforcement to clarify that, number one, the

6 information in that tip, and additional

7 information pertaining to Mr. Suarez, Salas here,

8 were important steps, I thought. But I was told

9 I would not participate, I would not talk to

10 anybody in law enforcement, I would not contact

11 Storey County myself.

12 Q. And so you never actually met with --

13 during this time frame, June of 2018, did you

14 ever meet with anyone from the Drug Enforcement

15 Administration or agency?

16 A. No, sir, I did not.

17 Q. Okay.

18 And again, so other than what you

19 were hearing from Mr. Gouthro, did you have any

20 other independent knowledge of any federal or

21 state investigation into the specific allegations

22 of that anonymous tip that you were looking into?

23 A. Yes.

24 Q. From whom?

25 A. Knowledge and information released by

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2 Q. Witness protection for who?

3 A. That wasn't really clear by

4 Mr. Gouthro. Because during the time that that

5 e-mail came out, he had had discussions that

6 indicated that he had an FBI contact, and

7 somebody with the senate -- a Nevada senator

8 staff coming -- meeting with law enforcement and

9 Tesla legal and HR. And it was never clear with

10 respect to witness protection, what or who he was

11 talking about. I don't know if that was

12 potential witnesses. I didn't know all of the

13 information that he actually had at that time.

14 Q. And that's my question, Mr. Hansen.

15 If you were the one that was doing this

16 investigation, if you were the one that was the

17 person tasked with doing this investigation, why

18 wouldn't you have gone to these meetings with law

19 enforcement with Mr. Gouthro?

20 A. Because I was denied after he set

21 these meetings up. To my knowledge, they never

22 occurred. And after the first one was cancelled,

23 there was supposed to be one on 5-24 of '18. And

24 then again on 6-5 of 2018, Mr. Gouthro had

25 previously -- this is June 8th, but prior to

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2 the U.S. Attorney's Office regarding the

3 indictment of 20 members of the drug task

4 force -- or of a DTO.

5 Q. And so it's your testimony that

6 the -- this announcement by the U.S. Attorney of

7 those individuals and the same individuals that

8 you were looking at?

9 A. That these individuals -- the

10 individuals named in the tip -- because the tip

11 did contain identifying information, names,

12 contact information, as well as Western Union

13 information, allegedly regarding payments for

14 shipments of methamphetamine and cocaine.

15 So social media ties, I began to see

16 through open source information, these

17 individuals and their associates had ties to

18 several of these players that were indicted in

19 June of 2018 and subsequently arrested. And four

20 of them -- I correct my previous testimony,

21 because four of them, to include the leader of

22 this DTO, had been an employee at the

23 Gigafactory.

24 Q. Okay. That's what you -- that's --

25 that was what you were looking at and that's what

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2 you concluded was -- it was in fact the same

3 people that this anonymous tip was identifying

4 that were the people that were indicted.

5 A. No, the -- there -- the

6 distinguishing difference is that several of

7 these people had ties and communicated on

8 different social media platforms and whatnot with

9 the people named in the tip as well as some of

10 those that were in the indictment.

11 Q. And so I really want to make sure I

12 have the right answer here.

13 Can you or can you not confirm

14 whether anyone that's actually been indicted by

15 the U.S. Attorney's Office in Nevada are these

16 people identified in this anonymous tip?

17 A. No. Not directly, no.

18 Q. Thank you. Let's go to Exhibit 63.

19 JUDGE HOFFMAN: Did I hear

20 Exhibit 33?

21 MR. ROBERTSON: No, Your Honor, 63.

22 63.

23 JUDGE HOFFMAN: No, but did you --

24 MR. ROBERTSON: Yes, can I move 33

25 in, please.

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2 what appears to be -- if we look at the first

3 one, it's March 8th.

4 MR. ROBERTSON: And then now, Anne,

5 let's go to the last page.

6 Q. I'm sorry, it's March 5th, at the

7 bottom.

8 Do you see that?

9 A. I see 3-5 of '18, yes.

10 Q. And then let's go to the last page.

11 And it looks like it runs through July 17th;

12 right?

13 A. It does, yes.

14 Q. So is that basically the period that

15 you worked as an employee of Tesla, from

16 March 5th of '18 through July 17th of '18?

17 A. It appears that's accurate, yes.

18 Q. And did you print out a log of your

19 "sent" folder?

20 A. I believe I did. I think that's what

21 we're looking at here.

22 Q. And then you took that home?

23 A. No, I can't recall when -- I believe

24 I did that after September 4th, in preparation of

25 materials.

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2 JUDGE HOFFMAN: Any objection?

3 MR. WOODFIELD: No, Your Honor.

4 JUDGE HOFFMAN: 33 is in.

5 (Whereupon, Exhibit 33 was received.)

6 JUDGE HOFFMAN: Now we're on to 63?

7 MR. ROBERTSON: Yeah, now we're on

8 63, Your Honor.

9 JUDGE HOFFMAN: Yeah. Let me catch

10 up.

11 MR. ROBERTSON: Yeah, sorry.

12 BY MR. ROBERTSON:

13 Q. Mr. Hansen, I've put before you

14 what's been identified as Exhibit 63.

15 A. Yes, sir.

16 Q. Do you recognize what this document

17 is?

18 A. It appears to be a screenshot of an

19 e-mail. Or of a "sent" box of e-mails.

20 Q. So is this -- I'll represent it goes

21 on for how many pages?

22 A. 58 pages.

23 Q. Did you actually print out basically

24 a summary of your entire "sent" box for the

25 period -- and we can do this -- for the period --

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2 Q. So is this a printout of your Tesla

3 e-mail or is this a printout of your Gmail?

4 A. That would be my Tesla e-mail.

5 Q. Right.

6 A. And I believe I did that -- I believe

7 they were screenshots from the cell phone that I

8 had at the time that had those Tesla apps on it

9 that we were required to use.

10 Q. So basically you printed out this

11 document which reflects your "sent" folder from

12 your Tesla company e-mail for the period that you

13 were employed at Tesla.

14 A. Yes.

15 Q. So this would reflect the e-mails

16 that were sent from your Tesla e-mail to whomever

17 during the period that you were employed;

18 correct?

19 A. It would, yes.

20 Q. Okay.

21 So, for example, if we look at the

22 last page, which I think we're on. Do you see

23 there's a reference here to Missy Wells?

24 A. Yes, I do.

25 Q. Okay. And so this would reflect that

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2 you sent an e-mail from your Tesla e-mail account

3 to, in this case, Ms. Wells?

4 A. Yes.

5 MR. ROBERTSON: Okay. And can we go

6 to 3380.

7 Q. And so, for example, here there's

8 another e-mail to Ms. Wells. It looks to be on

9 June 19, 2018?

10 A. Yes.

11 Q. And it just says: Forward: Attached

12 Image.

13 Do you see that?

14 A. I do, yes, sir.

15 Q. So in addition to sending e-mails

16 from your Tesla account to your personal e-mail,

17 did you also send e-mails from your Tesla account

18 to Ms. Wells's personal e-mail?

19 A. I did, yes.

20 Q. And did those e-mails contain some of

21 the same information we talked about,

22 photographs, badging records, those kinds of

23 things?

24 A. Yes, sir.

25 Q. I want to go to 3382.

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2 MR. ROBERTSON: Yes.

3 JUDGE HOFFMAN: Okay. Thanks.

4 BY MR. ROBERTSON:

5 Q. So, Mr. Hansen, I've put on the

6 screen joint Exhibit 176. It's an e-mail from

7 Mr. Gicinto to yourself dated July 22, 2018.

8 Do you see that?

9 A. Yes, sir, I do.

10 Q. And I think you testified to this on

11 your direct. You had a conversation with

12 Mr. Gicinto around this time?

13 A. Yes, I did.

14 Q. And if you look at the No. 1.

15 A. Yes.

16 Q. It states that: He clarified that my

17 team previously reached out to U.S. Securities

18 for a contracting role on our team to fill an

19 immediate need. This was not an FTE role, and

20 ultimately the role never materialized. We did

21 not take on a U.S. Securities contractor to

22 support investigations.

23 Do you see that?

24 A. Yes, I do.

25 Q. And isn't that true, that Tesla ended

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2 In the middle do you see this,

3 Mr. Hansen, it says mgerman@ussecurityassociates.

4 It says Resumé?

5 A. Yes, sir.

6 Q. And this is at June 21st of '18;

7 correct?

8 A. Yes, sir, it is.

9 Q. So is that when you -- if you can

10 remember, is that when you first sent your resumé

11 to Mr. German?

12 A. I believe it is. I believe 6-21 is

13 the date that I also did the online application.

14 Q. Okay.

15 MR. ROBERTSON: Just give me one sec.

16 Sorry.

17 THE WITNESS: No worry.

18 BY MR. ROBERTSON:

19 Q. Let's go to 176.

20 MR. ROBERTSON: Move to admit 63.

21 MR. WOODFIELD: No objection.

22 JUDGE HOFFMAN: All right. 63 is in.

23 (Whereupon, Exhibit 63 was received.)

24 JUDGE HOFFMAN: Did you say we're

25 going to 176?

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2 up not taking on a U.S. Securities contractor to

3 support investigations?

4 A. To my knowledge, that never did

5 happen.

6 Q. Okay. And then the next point, he

7 says: Well, my team does have FT slots now

8 available. Those roles have scaled back from

9 what was originally identified and are highly

10 selective. We are not preferring any candidates,

11 despite what others may have speculated about,

12 and are actively working with recruiters to

13 source candidates for us, and anyone is free to

14 apply to the job posting on the website.

15 Do you see that?

16 A. Yes, I do.

17 Q. And do you recall having that

18 discussion with Mr. Gicinto?

19 A. Yes.

20 Q. Okay. In fact, you did apply for the

21 position back at Tesla; right?

22 A. I applied for a position on -- I

23 believe it was July 11th, yes.

24 Q. That's my point. So after you had

25 sent your resumé to Mr. German and after you had

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1 Hansen v Elon Musk - Arbitration Day 1  
2 applied for the position at USSA, you then also  
3 applied for a position back at Tesla; correct?  
4 A. I did, yes.  
5 Q. Okay. So in essence, you had applied  
6 to two jobs.  
7 One at USSA and one back at Tesla;  
8 correct?  
9 A. Yes.  
10 Q. Okay. And ultimately, you accepted  
11 the job at USSA and you were not offered the job  
12 at Tesla; correct?  
13 A. That is correct, yes.  
14 Q. And do you have any understanding of  
15 who else applied for the position that you  
16 applied for?  
17 A. I have no idea.  
18 Q. Right. And you don't know how  
19 qualified they were; is that right?  
20 A. No, I don't.  
21 Q. Do you know whether the position to  
22 be investigator in Mr. Gicinto's group required a  
23 college degree?  
24 A. The one that was referred to, that we  
25 are talking about, that you and I previously

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2 So let's go to 71.  
3 MR. ROBERTSON: In fact, did I move  
4 that document in?  
5 MR. WOODFIELD: I believe you did.  
6 MR. ROBERTSON: Okay.  
7 71, I believe, is already in.  
8 MR. WOODFIELD: Yes.  
9 BY MR. ROBERTSON:  
10 Q. And so, Mr. Hansen, pointing you to  
11 what has been identified as Exhibit 71, this is  
12 the e-mail that you sent to Mr. Nocon on July 11,  
13 2018.  
14 Do you recall your testimony about  
15 this?  
16 A. I do, yes.  
17 Q. And in this e-mail, which is  
18 July 11th of 2018, you note that -- in the first  
19 paragraph, you say: Although the scope of that  
20 work had not been specifically defined at that  
21 time, preliminary figures were discussed along  
22 with a scope of work consistent with the position  
23 posted today.  
24 Do you see that?  
25 A. In the -- I'm reading --

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2 discussed, it did state that, yes, it did require  
3 a college degree, and it was more directed  
4 towards the forensic side of, you know, that type  
5 of work.  
6 Q. Okay. And you understand that Tesla  
7 uses recruiters; right?  
8 A. Yes, I do.  
9 Q. And by recruiter, you understand by  
10 that I mean they use -- they have basically  
11 people in HR that screen applications before  
12 they're sent along to the people posting to the  
13 job; right?  
14 A. Yes, sir.  
15 Q. And do you have any knowledge of  
16 whether your application was or was not accepted  
17 or rejected by the recruiters?  
18 A. I have no knowledge either way.  
19 Q. Okay. And if a recruiter looked at  
20 your resumé and decided you weren't qualified, do  
21 you have any basis to think that any recruiter  
22 had any knowledge of the investigations you were  
23 conducting?  
24 A. I can't answer that question.  
25 Q. That's fine. Thank you.

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2 Q. In the second --  
3 A. In the first --  
4 Q. That's fine.  
5 A. I do see that, yes.  
6 Q. All right. And so, again, while some  
7 preliminary scope of work and potential pay had  
8 been discussed, nothing was ever put in writing;  
9 correct?  
10 A. That's correct, nothing was in  
11 writing.  
12 Q. Okay. In fact, the only job with  
13 USSA that you took that was in writing was the  
14 one you applied for for the security guard  
15 position; correct?  
16 A. That's correct.  
17 Q. And then at the bottom of this  
18 e-mail, you state in the last full paragraph: I  
19 have applied for the position by the Tesla  
20 internal website and attached my resumé as  
21 prompted.  
22 So, in fact, as of July 11, 2018, you  
23 had also applied for that job back at Tesla;  
24 correct?  
25 A. That's correct, yes.

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2 Q. And you understood that the job that

3 now -- well, I'll scratch that. That's fine.

4 MR. ROBERTSON: Hang on. We're just

5 looking for a document, please.

6 If you can go to 150.

7 BY MR. ROBERTSON:

8 Q. So we're going to go to Exhibit 150.

9 A. Okay.

10 Q. Mr. Hansen, we've put up on the

11 screen Exhibit 150 --

12 A. I see it.

13 Q. -- which is the Tesla, Inc. Master

14 Services Agreement.

15 Do you see that?

16 A. Yes, I do.

17 MR. ROBERTSON: And, Nick, I'll go

18 ahead and move this in.

19 MR. WOODFIELD: No objection.

20 JUDGE HOFFMAN: 150 is in.

21 (Whereupon, Exhibit 150 was

22 received.)

23 BY MR. ROBERTSON:

24 Q. And did you understand, Mr. Hansen,

25 that in addition to your agreements with USSA and

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2 Q. Do you know what USSA had to do in

3 order for any particular person to be approved as

4 a supervisor?

5 A. I don't know.

6 Q. And had you -- but did you know that

7 someone who was a supervisor was more expensive

8 to Tesla than someone who was not a supervisor?

9 A. Yes, I'm -- I'm generally familiar

10 that, you know, pay raise with contract security

11 worked that way.

12 Q. Right. So you knew to the extent

13 that USSA was supplying someone in a different

14 role, it may cost Tesla more money?

15 A. Yes, that's accurate. I agree with

16 that.

17 Q. Okay. Do you know whether Tesla ever

18 paid USSA for you to be a supervisor?

19 A. I have no knowledge of any of the

20 bill rate versus pay rate, anything related to

21 that, sir.

22 Q. And that's my question. So to the

23 extent that whatever arrangement you had with

24 USSA and what you might have been paid during the

25 time you were at USSA, you don't know what Tesla

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2 Tesla, that there was also an agreement between

3 Tesla and USSA that governed the whole

4 outsourcing arrangement of their security

5 personnel?

6 A. I was aware there was a contract.

7 That's all I knew.

8 Q. Okay. You knew there was --

9 notwithstanding the agreements you signed, you

10 knew, independent of that, there was an agreement

11 between Tesla and USSA; right?

12 A. Yes. Absolutely.

13 Q. At the time did you know any of the

14 specific terms of whatever agreement was between

15 Tesla and USSA?

16 A. No, I had no knowledge of that.

17 Q. Did you have any knowledge of how --

18 what USSA would have to do in order to have

19 anybody approved for any particular position?

20 A. I don't.

21 Q. For example, you mentioned

22 supervisor. And we saw the texts regarding you

23 being potentially a supervisor.

24 Do you recall that?

25 A. I do.

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2 actually paid for you?

3 A. That's accurate, I don't know.

4 Q. Do you know of any specific USSA

5 individual that you worked with at the time you

6 were there that was a supervisor?

7 A. Yes. Yes.

8 Q. Who?

9 A. Rick McLellan, Ryan Leslie. Those

10 are the two that come to my mind, right now.

11 Rick McLellan and Ryan Leslie. I don't recall

12 the others, if there were --

13 Q. Was Rick McLellan already employed by

14 USSA by the time you got there?

15 A. My understanding he was, yes.

16 Q. And same with Ryan Leslie?

17 A. I don't know the answer to that.

18 Q. But Rick McLellan, you knew, was

19 already at USSA working with Tesla at the time

20 you came over?

21 A. I don't know specifically. I do know

22 that Rick had been employed by USSA prior to

23 being assigned his management role at that site.

24 I understood from him that he was employed in

25 their business operations office in Reno, but

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2 that is the extent of my knowledge. I hope  
3 that --  
4 Q. Okay. So you don't know whether  
5 Mr. McLellan was being paid as a supervisor by  
6 Tesla through the USSA contract?  
7 A. No, sir, I don't.  
8 Q. Okay. And you understood that Tesla  
9 had the right under its agreement to determine  
10 whether it would pay somebody to be in any  
11 particular role; right?  
12 A. I've never read the agreement, so I  
13 don't know the --  
14 Q. Okay.  
15 So whatever the agreement says, then  
16 it's whatever the agreement says?  
17 A. Yeah.  
18 Q. Is that fair?  
19 A. Fair enough. I would agree.  
20 Q. Okay.  
21 MR. ROBERTSON: Actually, Your Honor,  
22 is this a good time? I know we've been going  
23 since -- I have the wrong time.  
24 JUDGE HOFFMAN: I couldn't hear you.  
25 Are you saying you want to take a break?

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2 BY MR. ROBERTSON:  
3 Q. So let's go actually to 49 first.  
4 So, Mr. Hansen, I've put up on the  
5 screen Exhibit 49.  
6 A. Yes, sir, I see it.  
7 Q. And is this the anonymous tip that  
8 came in?  
9 A. Yes, sir.  
10 Q. Okay. And again, is the handwriting  
11 at the top yours?  
12 A. It is, yes, sir.  
13 Q. And it says -- in your handwriting,  
14 it says: Initial handwriting from LE/DEA.  
15 What's LE?  
16 A. Law enforcement.  
17 Q. And I assume you wrote all of this on  
18 this document after you received it?  
19 A. Yes, sir.  
20 Q. Do you know how much after?  
21 A. I did that in preparation to  
22 documents presented to counsel.  
23 Q. Okay. So after the litigation was  
24 started?  
25 A. Yes, sir.

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2 MR. ROBERTSON: No, no, I was just  
3 looking at my clock, and since I'm on East Coast  
4 time, I'm very different than you all. So I  
5 think we started -- yeah, no, we're fine. I was  
6 just trying to make sure to be cognizant of  
7 everyone.  
8 So hang on one second.  
9 Why don't you mention and then I can  
10 tell you where I --  
11 JUDGE HOFFMAN: We've been going for  
12 about an hour.  
13 MR. WOODFIELD: Your Honor, I would  
14 appreciate a five-minute bio break.  
15 MR. ROBERTSON: Yeah, that's fine.  
16 JUDGE HOFFMAN: Okay. Let's do that.  
17 Let's take five minutes.  
18 MR. ROBERTSON: Perfect. Thank you.  
19 MR. WOODFIELD: Thank you.  
20 (Recess taken, 2:03 p.m. to  
21 2:11 p.m. PDT)  
22 JUDGE HOFFMAN: We're ready whenever  
23 you are, Mr. Robertson.  
24 MR. ROBERTSON: Excellent.  
25 \* \* \*

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2 Q. Okay. Do you see on the left it says  
3 Routing?  
4 A. I do see that, yes.  
5 Q. It says: Routing Storey County and  
6 DEA?  
7 A. Yes.  
8 Q. Do you have any understanding of why,  
9 if this was already something that was with the  
10 DEA or Storey County, it would be routed to them?  
11 A. I have no idea.  
12 Q. Okay. Did you ever ask anybody?  
13 A. No, I didn't.  
14 Q. And again, other than your  
15 discussions with Mr. Gouthro, did you do anything  
16 further to understand where this anonymous tip  
17 came from?  
18 A. Other than the attempts I made and my  
19 discussions with -- to talk to law enforcement  
20 and with Mr. Gouthro, no.  
21 Q. Sitting here today, do you have any  
22 idea who submitted this?  
23 A. I have no clue, no, sir.  
24 Q. That was not something your  
25 investigation was ever able to uncover?



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2 A. It was not.  
3 Q. And other than looking at Facebook  
4 and social media posts, did you ever do any  
5 other -- did you utilize any other resources in  
6 conducting this investigation?  
7 A. Open source resources that I just  
8 talked about, in addition to attempting to  
9 interview people who had knowledge, potential  
10 knowledge of the drug trafficking operations  
11 inside and around Reno, Nevada.  
12 Q. Oh, so even outside of Tesla, were  
13 you doing -- like actually talking to people,  
14 just -- (crosstalk)  
15 A. Yes. Yes, I did. Yes.  
16 Q. Do know whether a criminal background  
17 check was ever run on any of these folks?  
18 A. I don't know if one was done.  
19 Q. So you do know, though, that at some  
20 point Mr. Gicinto and Mr. Nocon became involved  
21 in this investigation; correct?  
22 A. I don't know what their involvement  
23 was. They stated that they took a look at the  
24 information.  
25 Q. Right. And when you say they took a

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2 or lack thereof to this anonymous tip?  
3 A. It may have given -- no, I don't  
4 think -- I don't think it's something -- the  
5 lack -- the absence of a criminal background or  
6 the presence of a criminal background -- I should  
7 say it could have -- potentially, if there was a  
8 criminal background run on these individuals and  
9 there was negative information or derogatory  
10 information, particularly related to criminal  
11 activity such as drug trafficking or what have  
12 you, then that could lead to credence of  
13 supporting the allegations. But there -- at the  
14 same time, the absence of that information also,  
15 I don't think that just stops an investigation  
16 dead in the water, based on, you know, the extent  
17 of allegations in a particular matter.  
18 Q. All right. So even if someone had  
19 gone and done a criminal background check and it  
20 came back negative, there was nothing negative in  
21 it, for purposes of you being the investigator,  
22 that would not have satisfied you. You would  
23 think more needed to be done?  
24 A. Yes.  
25 Q. And, in fact, isn't it true that at

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2 look, do you know whether they ran a formal  
3 criminal background check on these people?  
4 A. I don't know.  
5 Q. Have you in any of your law  
6 enforcement experience or government experience  
7 ever run a criminal background check on someone?  
8 A. I have, yes.  
9 Q. So you understand what that would  
10 turn up?  
11 A. I do.  
12 Q. Okay. And to the extent that a  
13 background check was run on these folks, criminal  
14 background check and it didn't turn anything up,  
15 would that be something that's relevant to  
16 whether the allegations had merit?  
17 A. Are you asking my opinion on that?  
18 Q. Well, you are an investigator and you  
19 said you were tasked with investigating this.  
20 I'm trying to understand to the extent that you  
21 personally did not run a criminal background  
22 check --  
23 A. Mm-hmm.  
24 Q. -- is that something that, if it had  
25 been done, may or may not have provided credence

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2 some point you were told by Mr. Gouthro and  
3 Mr. Sprott to stand down in your investigation?  
4 A. I'm not sure specifically what  
5 investigation you're talking about.  
6 Q. Are there any other investigations  
7 that you were conducting where either Mr. Sprott  
8 or Mr. Gouthro told you to stop?  
9 A. Mr. Gouthro, during a communication I  
10 had with him regarding theft, particularly  
11 Lynn Thompson information and evidence,  
12 Mr. Gouthro was confused in thinking that I was  
13 at the time interviewing outside -- using outside  
14 sources or talking to outside sources, and I  
15 wasn't. Those were internal employees and  
16 witnesses to those matters. And Mr. Gouthro had  
17 sent me a text to the effect of let's hold off  
18 until we talk to Nick Gicinto.  
19 So that -- to answer your question,  
20 yes, that's what I can recall right now.  
21 Q. Actually, isn't it true -- you  
22 mentioned Mr. Halladay. So Mr. Halladay had  
23 taken some time off, you said?  
24 A. That's correct.  
25 Q. And Mr. Halladay came back, didn't

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2 he?

3 A. He did.

4 Q. And wasn't it then that he took over

5 that investigation of the copper thefts involving

6 Mr. Thompson?

7 A. I'm not aware of that.

8 Q. Okay. So you're not aware that

9 Mr. Halladay was the one responsible, once he

10 returned, for taking over that investigation?

11 A. I don't have any knowledge of that.

12 I continued that investigation during my tenure

13 right up until being notified that I was no

14 longer going to work in investigations.

15 Q. Right. I understand you continued to

16 do the investigation. But do you know whether or

17 not in fact management had instructed

18 Mr. Halladay to continue and finish the

19 investigation and not you?

20 A. I don't have any knowledge of that,

21 but it was also important to realize that several

22 investigators oftentimes, particularly

23 Mr. Halladay, did overlap on investigations that

24 he or Gouthro had delegated to other

25 investigators. So that was common.

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2 to identify information related to lithium coming

3 out of Central and South America. So I do recall

4 that, yes.

5 Q. Okay. And you recall it being

6 reported back that there were people that were

7 upset about the fact that you had been there and

8 asking questions?

9 A. I do, yes.

10 Q. I'm going to go to 23. Oh, I've got

11 to move 49 in.

12 MR. ROBERTSON: So move 49.

13 JUDGE HOFFMAN: There being no

14 objection, 49 is in.

15 (Whereupon, Exhibit 49 was received.)

16 MR. ROBERTSON: Thank you,

17 Your Honor.

18 BY MR. ROBERTSON:

19 Q. So, Mr. Hansen, I've put up on the

20 screen what's been marked as joint Exhibit 23.

21 It's an e-mail dated August 1st, from

22 yourself to a Linette Lopez.

23 Do you see that?

24 A. I do, yes, sir.

25 Q. And your blind-copying Ms. Wells?

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2 Q. I want to understand your testimony.

3 You're saying you never heard about it, but if

4 you heard about it, that would have been normal?

5 MR. WOODFIELD: Objection. I'm not

6 sure I understand that.

7 MR. ROBERTSON: I'm just -- I'll

8 withdraw the question.

9 BY MR. ROBERTSON:

10 Q. All I'm trying to understand,

11 Mr. Hansen, is do you recall at any point in time

12 either Mr. Sprott or Mr. Gouthro coming to you

13 and explaining that now that Kris Halladay was

14 back, that he would take over the copper

15 investigation involving Mr. Thompson and not you?

16 A. No, that conversation never happened.

17 Q. Okay. And so you're not aware of

18 any -- well, do you recall any communication from

19 either Mr. Sprott or Mr. Gouthro saying that you

20 were upsetting people in other parts of the

21 factory with some of the questions you were

22 asking in your investigations?

23 A. I do, and I believe you're

24 specifically referring to a trip I made to a

25 warehouse pertaining to lithium shipments, trying

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2 A. I did, yes.

3 Q. Okay. And this is August 1st;

4 correct?

5 A. It is, yes.

6 Q. Okay. And so this is before you had

7 sent the e-mail that you referenced in your

8 direct testimony to Mr. Musk and others; correct?

9 A. It is, yes.

10 Q. And who is Ms. Lopez?

11 A. She's a journalist.

12 Q. With Business Insider?

13 A. Yes, sir.

14 Q. And in your direct testimony, you

15 mentioned Martin Tripp. Do you remember that?

16 A. I do.

17 Q. Okay. And Martin Tripp was somebody

18 who had been sued by Tesla; correct?

19 A. He was, yes.

20 Q. And he was sued by Tesla because he

21 had removed confidential information; correct?

22 A. So Tesla alleged.

23 Q. Well, it's more than alleged. You

24 understand what ended up happening in the Tripp

25 case; correct?

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2 A. I do, I understand the Tripp case,

3 yes.

4 Q. Okay. And one of the things that

5 Mr. Tripp had to admit ultimately was that he had

6 taken confidential information from Tesla; right?

7 A. I don't know any of the specifics.

8 Q. Well, do you know he ended up paying

9 money to Tesla to resolve the case?

10 A. I was aware that that was part of the

11 outcome of the case, but yes, I'm aware of that.

12 Q. That what was part of the outcome of

13 the case? That he ended up having to pay money

14 to Tesla; correct?

15 A. I believe that was reported in the

16 media, correct.

17 Q. Okay. And, in fact, when you sent

18 this e-mail to Ms. Lopez, you knew at this point,

19 as of August 1st, that Ms. Lopez had been in

20 communication with Martin Tripp; right?

21 A. I had learned that, yes.

22 Q. Okay. And is that why you reached

23 out to her, because you knew that she'd already

24 been in communication with Mr. Tripp?

25 A. I reached out to her because I was

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2 last line of the last full paragraph says: An

3 investigation that was predicated on a -- what I

4 was told was a validated report provided to Tesla

5 by law enforcement, members of local LE and those

6 assigned to a federal task force.

7 Do you see that?

8 A. I do, yes.

9 Q. And again, was the only source of

10 what you were told Mr. Gouthro?

11 A. I'm sorry, with respect to that -- to

12 the tip?

13 Q. Yeah, you say: The investigation

14 that was predicated on a -- what I was told was a

15 validated report provided to Tesla by law

16 enforcement.

17 What I'm trying to understand is when

18 you told Ms. Lopez, a member of the press, that

19 the report was validated, about your

20 investigation, and you say you were told that,

21 was the sole source of what you were told

22 Mr. Gouthro?

23 A. Yes.

24 Q. Okay. You did nothing to yourself

25 validate anything with regard to -- or to confirm

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2 represented by counsel at that time, and

3 Mr. Meissner had been talking to several media

4 resources. But primarily, yes, I knew that she

5 had been in contact with Mr. Tripp.

6 Q. Okay. And notwithstanding that, you

7 were -- so your -- is it your testimony -- I

8 don't want to know any discussion, but had you

9 actually retained counsel by August 1st of 2018?

10 A. I had retained counsel in July of

11 2018.

12 Q. July of 2018. Okay.

13 So why, as of August 1st, are you

14 sending this versus this coming from your

15 attorney?

16 A. I think it explains what I was

17 looking to do. I was looking to obtain some

18 additional information, if possible.

19 Q. Did you tell -- I guess I can't ask

20 that.

21 Okay. But at this point you were

22 represented by counsel.

23 A. That's correct, yes, sir.

24 Q. And if we go down the document, to

25 the last paragraph -- yeah, right there. The

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2 whether or not before the tip came in it was

3 actually validated in any way by law enforcement?

4 A. I think I've already testified that I

5 did, I made attempts to do that, and I obtained

6 information -- and outside of ties via social

7 media that you had mentioned, I had made attempts

8 to do that.

9 Q. Right, you made attempts, but you

10 actually personally have not been able to

11 validate any of it; correct?

12 A. No. At that point, no, I hadn't.

13 Q. Okay. And if we go to the middle

14 paragraph. It starts, Additionally.

15 A. Okay.

16 Q. It says: 300,000 to 500,000 worth

17 that was stolen in approximately 2.5 months, and

18 had been being reported, in all caps.

19 Do you see that?

20 A. I see that, yes.

21 Q. What did you mean there? I mean,

22 where are you coming up with 300,000 to \$500,000

23 worth was stolen in approximately 2.5 months?

24 A. That information came from

25 Superintendent Thompson, references his estimates

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2 over that time period, it lists initially during  
3 one of our preliminary conversations.  
4 Q. So, again, your sole source for  
5 making that statement to a member of the press  
6 was what Mr. Thompson told you?  
7 A. No. My sole source was not also  
8 that. You have to remember, Elon Musk himself  
9 reported 37 to -- upwards of \$100 million of  
10 scrap, raw materials, that included copper, being  
11 otherwise stolen, compromised, on June 5th,  
12 between January and June of 2018.  
13 So, no, it's not just sole piece of  
14 my investigation, and information was not just  
15 Lynn Thompson.  
16 Q. But that's what I'm trying to  
17 understand, Mr. Hansen. You keep saying my  
18 investigation, my investigation.  
19 You were told by Lynn Thompson there  
20 was this 300 to \$500,000 number.  
21 Did you have any specific evidence  
22 that you personally reviewed that would support  
23 that number beyond what Mr. Thompson told you?  
24 A. No, I didn't. But when those numbers  
25 were briefed to Mr. Sprott and Mr. Gouthro, they

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2 you personally did.  
3 A. That's accurate. Mr. Thompson --  
4 sure.  
5 Q. Thank you.  
6 A. You're welcome.  
7 Q. Thank you.  
8 You have no knowledge of whether any  
9 of these issues, this purported theft, whether  
10 any of it found its way into Tesla's financial  
11 statements; right?  
12 A. I don't at this time, no.  
13 Q. Well, it's more than that; right? I  
14 think when you were deposed, I asked you  
15 specifically: Where did this concern over thefts  
16 come from? And I think you acknowledged it came  
17 from an audit that was done and possibly the CFO  
18 of the company; correct?  
19 A. That's accurate, yes, sir. That's  
20 part of it.  
21 Q. So if the CFO, in an audit, flagged  
22 this, on what possible basis do you believe that  
23 it wouldn't have been something that was known by  
24 accounting and included and factored into the  
25 financial statements?

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2 too indicated that it was likely in excess of  
3 millions based on the investigations that had  
4 been being conducted, even --  
5 Q. That's not my --  
6 Sorry, I'll let you finish.  
7 That's not my question. My question  
8 is very specific. You wrote to a member of the  
9 press -- and we'll get to what you attached. You  
10 made a specific reference, not to millions of  
11 dollars, to 300 to \$500,000 in 2.5 months.  
12 And my question is, was there any  
13 basis for that statement to a member of the press  
14 other than what you heard from Mr. Thompson?  
15 A. You broke up on me, sir,  
16 Mr. Robertson. Could you please repeat that?  
17 Q. Sure.  
18 I'm talking about a very specific  
19 number in here. 300,000 to 500,000 worth in  
20 2.5 months. Not millions, not 37 million.  
21 Nothing. A very specific number in here that you  
22 reported to a member of the press. And I just  
23 want to understand, that number, the sole source  
24 for that number is Mr. Thompson. It was not any  
25 independent investigation and verification that

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2 A. Based on the financial statements  
3 released to the public, my counsel indicated that  
4 none of this was reported during that time, in  
5 any of your disclosures or quarterly disclosures.  
6 That's the extent of my knowledge.  
7 MR. WOODFIELD: Objection,  
8 Your Honor. I think there's --  
9 MR. ROBERTSON: I think -- wait a  
10 minute, Nick. Wait, wait.  
11 MR. WOODFIELD: -- the witness.  
12 MR. ROBERTSON: Wait.  
13 MR. WOODFIELD: Hold on.  
14 Your Honor, I would like to -- you  
15 know, at a point, if the witness is not  
16 responsive, I think the answer is to ask you to  
17 direct the witness, but just talking over the  
18 witness and redirecting him is not the answer. I  
19 mean, the problem is -- and I've been generous on  
20 this -- but it's not just cutting the witness off  
21 and chastising him and telling him to do certain  
22 things.  
23 I think the answer here is that if  
24 the witness is unresponsive, the request is to  
25 you; but there's getting to be a certain amount

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1 Hansen v Elon Musk - Arbitration Day 1  
2 of just cutting the witness off and redirecting  
3 him.  
4 JUDGE HOFFMAN: Okay. I understand.  
5 I guess I want to go back to the beginning, that  
6 Mr. Hansen, you need to listen carefully to the  
7 questions that are asked and you need to answer  
8 them.  
9 And I think we can solve that matter.  
10 If there's an objection to the question, then  
11 lodge that objection, and maybe we need to  
12 tighten up our examination here a little bit to  
13 the point.  
14 MR. ROBERTSON: Sure.  
15 Yeah, I think I had a different  
16 issue, Your Honor. So I thought I asked a very  
17 specific question, which was: How do you know  
18 whether any of this would be reflected in the  
19 company's financial statements? I think that's a  
20 fair question. My concern was he started to talk  
21 about what his lawyer told him.  
22 I was just going to move to strike  
23 it, because I think, you know, I -- I don't  
24 think -- I don't think he wants to open this up  
25 as to what his lawyer told him about -- you know,

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2 page, Anne.  
3 BY MR. ROBERTSON:  
4 Q. So, Mr. Hansen, I'm now looking at  
5 the second page of this e-mail that you sent to  
6 Ms. Lopez. Am I seeing here that you've attached  
7 photographs?  
8 A. Yes, sir, I did.  
9 Q. Are these photographs from the Tesla  
10 premises?  
11 A. Yes, they are.  
12 Q. And you forwarded those to Ms. Lopez  
13 as a member of the press; correct?  
14 A. Yes, I did.  
15 Q. Okay. One of the other things you  
16 had mentioned in, I believe, the e-mail to  
17 Mr. Musk on August 3rd and others was bid  
18 rigging.  
19 Do you recall that?  
20 A. I do, yes.  
21 Q. Did you personally have any knowledge  
22 of any specific bid or contract that was rigged  
23 or fraudulent during the time you were at Tesla?  
24 A. No, I did not.  
25 MR. ROBERTSON: I want to go back to

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1 Hansen v Elon Musk - Arbitration Day 1  
2 a lawyer that's not his current lawyer -- about  
3 what was or was not. And so I -- you know, that  
4 was where I was going, but...  
5 JUDGE HOFFMAN: I think you're  
6 absolutely right.  
7 I don't think, Mr. Hansen, that you  
8 want to go too far down that line of saying you  
9 did it because your counsel told you to do it.  
10 If you know the answer to the question, say it.  
11 And if you don't know the answer, say you don't.  
12 THE WITNESS: Understood.  
13 JUDGE HOFFMAN: Okay.  
14 MR. ROBERTSON: And so I'll rephrase  
15 and see if we can do this this way.  
16 BY MR. ROBERTSON:  
17 Q. Mr. Hansen, sitting here today, do  
18 you have any knowledge of any specific line item  
19 in any Tesla financial statement that was  
20 misstated because of copper thefts?  
21 A. No.  
22 Q. Okay. And do you have any knowledge  
23 of Tesla's accounting system period?  
24 A. No, I did not.  
25 MR. ROBERTSON: If we go to the next

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2 Exhibit 27.  
3 Different point, I promise,  
4 everybody.  
5 Can I move to admit 23?  
6 MR. WOODFIELD: No objection.  
7 JUDGE HOFFMAN: 23 is in.  
8 MR. ROBERTSON: Thank you.  
9 (Whereupon, Exhibit 23 was received.)  
10 MR. ROBERTSON: 27.  
11 BY MR. ROBERTSON:  
12 Q. So, Mr. Hansen, I'm directing you  
13 back to Exhibit 27. This was the exchange you  
14 had with Mr. German?  
15 A. Yes, sir.  
16 Q. In June.  
17 And on the first page, do you see  
18 Mr. German says: Hey Karl, good to hear from  
19 you?  
20 A. Yes, sir.  
21 Q. No, because: Technically the next  
22 step is a round of interviews, but we will be  
23 bypassing that.  
24 And it says: Now a background check  
25 will be initiated and a drug screen will be

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2 scheduled.  
3 Do you see that?  
4 A. Yes, I do.  
5 Q. Okay. Do you know, was a background  
6 check done on you before you went to USSA?  
7 A. Yes.  
8 Q. And you had to authorize that; right?  
9 A. I did, yes.  
10 Q. Did these -- some of the people you  
11 were looking and reviewing in connection with the  
12 cartel allegations, they were contractors to  
13 Tesla; correct?  
14 A. Some of them were, yes, sir.  
15 Q. So we saw like Aerotek.  
16 A. Yes. That's correct, yes.  
17 Q. Did you have any knowledge of what  
18 background checks were required by any of the  
19 contractors that hired -- any of the contractors  
20 that were some of the folks you were looking at?  
21 A. No.  
22 Q. Do you know what representations the  
23 contractor has to make to Tesla about whether any  
24 of the people that they're contracting back to  
25 Tesla have any criminal history?

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2 A. Okay.  
3 Q. Mr. Hansen, I'm showing you what's  
4 been marked as Exhibit 62. Looks to be a text  
5 exchange.  
6 Do you know who this text exchange  
7 was with?  
8 A. Ms. Wells.  
9 Q. So this is as of August 30th?  
10 A. Correct.  
11 Q. Is that your handwriting? Or whose  
12 handwriting is that on the upper left?  
13 A. That was Ms. Wells's.  
14 Q. And so were you texting with  
15 Ms. Wells while you were working?  
16 A. I was, yes.  
17 Q. And do you know if USSA or Tesla's  
18 policies have any prohibition of texting with  
19 outside folks while you're working?  
20 A. No, I don't. I don't recall  
21 specifically.  
22 Q. But do you recall when you were  
23 onboarded with USSA, did you have to agree to a  
24 manual?  
25 A. I did. Yes, sir.

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2 A. No, I don't.  
3 Q. So, Mr. Hansen, we saw the TCR that  
4 you submitted.  
5 Do you recall that?  
6 A. Yes.  
7 Q. Did the SEC ever reach out to you to  
8 speak to you?  
9 A. To date, no, they didn't.  
10 Q. Okay. In fact, didn't you file a  
11 subsequent TCR as recently as last year?  
12 A. I did, yes.  
13 Q. Have they responded to you in  
14 connection with that filing?  
15 A. Acknowledged receipt of that.  
16 Q. But no investigator from the SEC has  
17 ever reached out to you or asked to interview  
18 you?  
19 A. No, not at this time.  
20 Q. Have you ever met with any individual  
21 from the Drug Enforcement Agency in connection  
22 with the anonymous tip?  
23 A. No, I did not.  
24 Q. Let's go to 62.  
25 So we're going to Exhibit 62.

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2 Q. Did you ever look at it to see what  
3 the rules were with regard to texting while you  
4 were on the job?  
5 A. I read the entire manual, I just  
6 don't recall at this point what the manual stated  
7 specifically regarding that.  
8 Q. Okay. So this is on August 30th, and  
9 you mentioned this, that Mr. Musk drove through  
10 the gate; right?  
11 A. That's correct, yes.  
12 Q. And is this you communicating that  
13 with Ms. Wells?  
14 A. It is, yes.  
15 Q. And you say: He recognized me, I'm  
16 sure.  
17 Do you see that?  
18 A. I did. I do, yes.  
19 Q. Do you have any knowledge other than  
20 this of whether he actually recognized you?  
21 A. No.  
22 Q. Okay. And I just want to make sure I  
23 know the texts that are yours and Ms. Wells's if  
24 we go to 3327.  
25 It's the third page.



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2 It's hard to read, and I'll clean it

3 up.

4 It says: Next time that blank comes

5 in my God damn window, he's going to experience

6 climate change, all right.

7 Who was that?

8 He's going to be seeing stars.

9 A. That was Wells.

10 Q. Okay. Did you and Ms. Wells ever

11 discuss causing any harm to Mr. Musk?

12 A. Absolutely not.

13 Q. She's just being funny here?

14 A. I assume she was.

15 MR. ROBERTSON: I move in 62.

16 A. And I don't think -- I don't even

17 know what that's referring to. I don't think

18 that that's referring to Mr. Musk at all.

19 JUDGE HOFFMAN: Any objection to 62?

20 MR. WOODFIELD: No, Your Honor.

21 JUDGE HOFFMAN: 62 is in.

22 (Whereupon, Exhibit 62 was received.)

23 BY MR. ROBERTSON:

24 Q. And, looking at the top left, there's

25 a reference to Exhibit No. 14 in handwriting.

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2 conversation originated, perhaps those

3 discussions, we may have had a discussion about

4 it; but I don't recall complaining about that to

5 anybody specifically.

6 Q. Do you recall saying thanks so much,

7 guys, this is yet another great use of my

8 experience?

9 A. I don't recall that.

10 What are you referring to when you

11 say that?

12 Q. I'm asking you whether you recall

13 saying that to anybody.

14 A. No. Sitting here today, I don't

15 recall saying that.

16 Q. All right. Let's pull up 73.

17 MR. ROBERTSON: Admit 62? I'm sorry.

18 Move to admit 62, please.

19 JUDGE HOFFMAN: 62 is in.

20 MR. ROBERTSON: Thank you.

21 Anne's keeping me honest.

22 JUDGE HOFFMAN: And what's the next

23 one you're going to?

24 MR. ROBERTSON: I'm going to 73.

25 JUDGE HOFFMAN: Thank you. I'm

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2 A. Yes.

3 Q. Exhibit 14 to what?

4 A. I don't recall specifically.

5 Q. Well, was this part of a submission

6 that was made to any member of the press?

7 A. No. I don't recall what it was

8 referencing.

9 Q. I mean, was -- do you recall

10 compiling exhibits for something?

11 A. I did when I retained initial

12 counsel, and I put together things that I

13 referenced as exhibits. That might have been

14 what that was, in compiling that and information

15 for the SEC as well.

16 Q. Did you complain that you were being

17 underutilized?

18 A. I know Matt German complained that I

19 was being underutilized.

20 Q. So you personally, you never

21 complained to anyone that you were being

22 underutilized. Is that your testimony?

23 A. Not that I recall. That is my

24 testimony. I think after discussing that with

25 Mr. German and maybe Mr. McLellan, where that

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2 there.

3 BY MR. ROBERTSON:

4 Q. Mr. Hansen, looking at Exhibit 73,

5 are these text exchanges with Ms. Wells?

6 A. They appear to be, yes.

7 Q. And again, are these texts that

8 you're texting her while you're working?

9 A. Yes.

10 Q. If we go to the next page, the second

11 page.

12 A. Yes.

13 Q. And you say: It's a blank waste of

14 my time, skills, and abilities, but when we were

15 in the pre-op briefing and they announced that

16 I'd be sitting in this f'ing chair, I said, hey,

17 thanks so much guys. This is yet again another

18 great use of my expertise.

19 A. So that -- that is -- yes, I did say

20 that in that message, and that is directly

21 related to the conversation with Mr. German on

22 that day in that specific location.

23 Q. But you did say that.

24 A. I just said yes, I did.

25 Q. Okay.

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2 MR. ROBERTSON: Do we have his USSA

3 papers? 199.

4 Oh, did I move that one in? I'd like

5 to move this one in. 73.

6 JUDGE HOFFMAN: With no objection, 73

7 is in.

8 (Whereupon, Exhibit 73 was received.)

9 MR. ROBERTSON: And now we're moving

10 to 199.

11 BY MR. ROBERTSON:

12 Q. Mr. Hansen, I'm putting in front of

13 you what's been marked as joint Exhibit 199.

14 These are the pay records from USSA.

15 Do you recognize these?

16 A. Yes.

17 Q. And when we look at the first page,

18 it says that the period beginning 7-13 through

19 7-26-18.

20 Do you see that?

21 A. I do, yes.

22 Q. With the pay date of August 3rd.

23 And again, I think we've established

24 you started working on July 17th; correct?

25 A. I believe that's accurate, yes.

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2 Q. Okay. And it shows here on this pay

3 period beginning 8-24 through September 6th, that

4 your pay rate is \$19.80; correct?

5 A. It does, yes.

6 Q. So that was, in fact, your pay rate

7 at the time that you were -- that the request was

8 made that you no longer be assigned to the Tesla

9 factory; correct?

10 A. It appears that's accurate, yes.

11 Q. And did you ever make more than

12 \$16.50 an hour when you were working as an

13 employee of Tesla?

14 A. No, I don't believe I did.

15 Q. Okay. So, in fact, the move from

16 Tesla to USSA, you got a raise?

17 A. I did, yes.

18 Q. Let's go to 178.

19 MR. ROBERTSON: Oh, move to admit the

20 pay records, 199.

21 MR. WOODFIELD: I think they were

22 admitted before, but --

23 MS. DUNNE: They've been admitted.

24 JUDGE HOFFMAN: 199 is in.

25 MR. ROBERTSON: Thank you.

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2 Q. And here, there's two pay rates, if

3 we look at the -- look below. There's the \$19.80

4 pay rate for 34 hours and \$27 for 25 hours.

5 Do you see that?

6 A. I do, yes.

7 Q. Okay. So isn't it true that, in

8 fact, at some point during this first two weeks

9 that you were employed at USSA, you were making

10 \$19.80 an hour?

11 A. That is correct, yes.

12 Q. Okay. And it's another point in time

13 you were making 27.

14 A. That's correct, yes, sir.

15 Q. And do you know when each of those

16 periods were?

17 A. I don't. I don't recall

18 specifically.

19 Q. And then if we can to go USSA 150,

20 which is one, two, three -- four pages in.

21 And I believe, Mr. Hansen, we

22 established that your last day at USSA, that you

23 were assigned back to the -- or assigned to the

24 Tesla property was September 4th; is that right?

25 A. Yes, that's correct.

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2 178.

3 BY MR. ROBERTSON:

4 Q. So, Mr. Hansen, I've put in front of

5 you what's been identified as Exhibit 178.

6 A. I see it, yes.

7 Q. That looks to be an e-mail from a

8 Karl Hannah at karlhannah@contractor.net to

9 Greg Slettvet at Tesla.

10 Subject, Karl Hansen.

11 Do you see this?

12 A. I do, yes.

13 Q. Okay. Do you know whose e-mail

14 Karl Hannah is?

15 A. I have no idea.

16 Q. Okay. It's not you?

17 A. It's definitely not me.

18 Q. Okay. Do you know who Jens Peter is?

19 A. Jens Peter Clausen was -- I think he

20 was an executive vice president, I think, at the

21 factory at one time, during my tenure there. I

22 don't know if he's still there, but...

23 Q. Did he ever say the things that are

24 in this e-mail?

25 A. No, sir.

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2 Q. Do you have any idea where this came

3 from?

4 A. I have no idea. First I saw it was

5 when it was produced in discovery.

6 Q. Okay. Did anyone talk to you about

7 this e-mail or ask you any questions about it?

8 A. Never.

9 Q. Okay.

10 MR. ROBERTSON: Move this in.

11 MR. WOODFIELD: I'm going to object

12 on this one. This is -- no one's ever seen this.

13 It's from some unidentified e-mail. It's hearsay

14 in the rankest form, and all it is is slanderous,

15 defamatory. I mean, this is just -- if the rules

16 of evidence applied, we wouldn't even be horsing

17 around with this nonsense.

18 JUDGE HOFFMAN: So the objection is

19 foundation and relevance? I'm not seeing either

20 foundation or relevance in this document. Maybe

21 you can enlighten me.

22 MR. ROBERTSON: Well, the issue was

23 Mr. Jones, so they made a lot of comments about

24 Jeff Jones, and, you know, what Jeff Jones may

25 have seen.

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2 copper, the value of the copper that the

3 attempted theft was that Mr. Thompson raised?

4 A. I'm sorry, can you repeat the

5 question, please?

6 Q. Sure.

7 Do you know whether there was ever a

8 conclusion as to the value of the copper that was

9 the subject of the attempted theft that

10 Mr. Thompson was involved in?

11 A. I believe that you had asked me that

12 during the depo, and it came out to something

13 like \$675, is what you had reported to me during

14 the deposition.

15 Q. Okay. And beyond that amount of

16 \$675, again, have you ever had any specific

17 incident, a specific incident of theft or

18 attempted theft of copper that you were involved

19 in during the time you were at Tesla?

20 A. Mr. Robertson, I'm sorry, sir. It

21 was cutting out. Can you please repeat that?

22 Q. Probably easier to -- I can just --

23 Other than -- was there any specific

24 incident of copper theft that you were personally

25 involved in and investigating while you were at

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2 I don't know that this was used in

3 his deposition.

4 I mean, I can withdraw it. That's

5 fine. I've asked the questions. It's -- I'll

6 just withdraw it, Your Honor. It's easier.

7 JUDGE HOFFMAN: Okay.

8 MR. ROBERTSON: Let's go to 145.

9 BY MR. ROBERTSON:

10 Q. So, Mr. Hansen, do you know whether

11 after you -- well, let me back-up.

12 Did you ever personally have any

13 interactions with the Storey County district

14 attorney in connection with any copper theft?

15 A. I did not, no.

16 Q. Okay. And do you know whether

17 Mr. Gouthro was having direct communications with

18 the Storey County District Attorney's Office with

19 regard to the copper theft issue?

20 A. Mr. Gouthro indicated to me that he

21 had been in regular contact with the DA's office

22 there.

23 Q. Okay.

24 Do you know whether there was ever

25 any conclusion that was reached as to how much

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2 Tesla other than the Lynn Thompson theft or

3 attempted theft?

4 A. Yes, there were -- there were several

5 other investigations that I participated in with

6 respect to various thefts of copper, whether --

7 Q. It --

8 A. Yes.

9 Q. And in any of those investigations,

10 do you recall any specific quantification of the

11 amount -- the value of the copper at issue that

12 was the subject of either the theft or the

13 attempted theft?

14 A. No, sir, I don't.

15 Q. So in terms of how that theft or

16 attempted theft might have affected or impacted

17 Tesla's financial statements, do you have any

18 knowledge of that?

19 A. No, I don't.

20 MR. ROBERTSON: Actually, Your Honor,

21 if we can get -- what time is it? We've been

22 going about an hour. If I can have five minutes,

23 I can wrap it up.

24 JUDGE HOFFMAN: Okay. Let's take

25 five.

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2 (Recess taken, 3:02 p.m. to  
3 3:11 p.m. PDT)  
4 JUDGE HOFFMAN: Can we go ahead and  
5 start?  
6 MR. ROBERTSON: All set?  
7 JUDGE HOFFMAN: Yeah, go ahead.  
8 BY MR. ROBERTSON:  
9 Q. All right. Mr. Hansen, we mentioned  
10 quickly the -- your communications with Ms. Lopez  
11 at Business Insider.  
12 Do you recall that?  
13 A. Yes, sir.  
14 Q. You also communicated with other  
15 press outlets; correct?  
16 A. I did, yes.  
17 Q. Including CNBC?  
18 A. Yes.  
19 Q. Bloomberg?  
20 A. Yes.  
21 Q. The Wall Street Journal?  
22 A. Yes.  
23 Q. The Nevada Appeal?  
24 A. Yes.  
25 Q. Chartcast?

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2 about Tesla.  
3 Is that all correct?  
4 A. Sure, that's correct.  
5 Q. Let's go to Exhibit 17.  
6 And while she's pulling that up, in  
7 fact, you've also talked with someone at Netflix  
8 about doing a documentary; right?  
9 A. I did, yes.  
10 Q. And you've talked to book publishers  
11 and authors about doing a book?  
12 A. I have talked to people about writing  
13 a book potentially.  
14 Q. And if there was a Netflix  
15 documentary for a book, you would assume that you  
16 would make some money from that; right?  
17 MR. WOODFIELD: Objection, calls for  
18 speculation.  
19 MR. ROBERTSON: So is he answering or  
20 not?  
21 I think there's a pending objection.  
22 MR. WOODFIELD: There is.  
23 JUDGE HOFFMAN: I'm sorry, I was  
24 muted. The objection is overruled.  
25 Answer if you can.

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2 A. That wasn't a media out -- resource.  
3 Q. The LA Times?  
4 A. Yes.  
5 Q. You've also done podcasts; right?  
6 A. I did two podcasts.  
7 Q. You did a podcast on somebody called  
8 TSLAQ?  
9 A. That -- yes, that's correct.  
10 Q. And more than once; right? You did a  
11 couple of podcasts; right?  
12 A. I did, yes.  
13 Q. And how recently have you done those?  
14 A. It's been a couple of years.  
15 Q. You also have a Twitter account;  
16 correct?  
17 A. I do.  
18 Q. And isn't it true that even within  
19 the last 48 hours, you've posted Twitter comments  
20 about Tesla on your Twitter account?  
21 A. I have.  
22 Q. Well, you mentioned sort of how  
23 emotionally distressed you are about this, but  
24 you've gone on, with numerous press outlets,  
25 you've done a podcast and you're still Twittering

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2 A. So in preliminary discussions  
3 regarding that, yeah, there could be a potential  
4 to make some money.  
5 BY MR. ROBERTSON:  
6 Q. And likewise, when you file a TCR  
7 with the SEC, if the SEC investigates and  
8 ultimately there's a settlement or a payment by  
9 the target of that whistleblower complaint, you  
10 would expect to share in any recovery; correct?  
11 A. Mr. Robertson, you broke up. I  
12 really apologize, but I did not hear your  
13 question.  
14 Q. Okay. Mr. Hansen, when you filed  
15 your TCR with the Securities and Exchange  
16 Commission, had the SEC investigated and had  
17 there been any claim against Tesla where Tesla  
18 paid money, you expected to share in that money;  
19 correct?  
20 A. I don't know if that's an  
21 expectation. There's a potential written into  
22 the laws, as I understand it, that that is a  
23 potential.  
24 Q. Well, you understand there's a  
25 difference between picking up the phone and

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2 calling the SEC and providing them information

3 and filing an actual complaint in the

4 Whistleblower Program with the SEC; correct?

5 A. Again, I -- it came in all garbled,

6 sir. Unfortunately I did not hear any of that.

7 MR. ROBERTSON: Is everyone else

8 hearing me okay or is it just Mr. Hansen?

9 JUDGE HOFFMAN: I think it's just

10 Mr. Hansen. I'm hearing you fine.

11 MR. ROBERTSON: Okay.

12 I'll try again, Mr. Hansen.

13 BY MR. ROBERTSON:

14 Q. You understand --

15 A. I really apologize.

16 Q. That's okay. It's okay. We'll get

17 through it.

18 Mr. Hansen, you understand there is a

19 big difference between just calling up the SEC

20 and providing them information and actually

21 filing a claim through a TCR with the

22 whistleblower office; correct?

23 A. Yes.

24 Q. Okay. And in one instance, you

25 can -- you would be entitled to a share of any

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2 answer, I'm sorry.

3 MR. ROBERTSON: Oh, fine.

4 BY MR. ROBERTSON:

5 Q. So, Mr. Hansen, did you understand

6 that to the extent you filed a TCR and the SEC

7 actually brought some kind of action against

8 Tesla and recovered money, that part of that --

9 that you could potentially share in that money?

10 THE WITNESS: My screen is locked and

11 I can't hear.

12 MR. ROBERTSON: Shall we have him log

13 out and log back in? I'll hold the question.

14 MR. WOODFIELD: Karl, can you hear

15 us?

16 JUDGE HOFFMAN: Mr. Hansen, can you

17 hear us?

18 THE WITNESS: I just heard the last

19 part of that, Your Honor.

20 JUDGE HOFFMAN: Well, let's keep

21 plugging away.

22 MR. ROBERTSON: Let's keep plugging

23 away.

24 BY MR. ROBERTSON:

25 Q. If I have you, Mr. Hansen, I'll try

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2 recovery that you would get in the event the SEC

3 recovered money from Tesla; right?

4 MR. WOODFIELD: Objection --

5 A. Potentially, any whistleblower.

6 MR. WOODFIELD: Objection,

7 Your Honor. There's actually no right to

8 recovery under the SEC program. It's an awards

9 program and the SEC -- there's no such right or

10 entitlement.

11 MR. ROBERTSON: Your Honor --

12 JUDGE HOFFMAN: That was the

13 definition of a speaking objection.

14 MR. ROBERTSON: Yes. Thank you,

15 Your Honor.

16 JUDGE HOFFMAN: If the objection is

17 competence of this witness or lack of foundation,

18 I'll take that. But I'll let the question go

19 unless you have a specific objection like

20 competence or foundation or hearsay or that sort

21 of thing.

22 MR. ROBERTSON: And I think we got an

23 answer. So, Your Honor, if you think the record

24 will be okay, I'll move on.

25 JUDGE HOFFMAN: I didn't hear the

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2 to -- hopefully we can get this in.

3 So my question, Mr. Hansen was, to

4 the extent that you filed a TCR with the SEC, did

5 you understand that --

6 A. All I heard was SEC.

7 MR. ROBERTSON: I'm not sure what to

8 do, folks.

9 JUDGE HOFFMAN: Well, if we could

10 have Mr. Hansen call in on a phone line, I guess.

11 MR. ROBERTSON: Yeah. I'm fine with

12 that.

13 MS. BRAXTON: Maybe it makes sense to

14 log out at least once and try logging back in and

15 see if that fixes it.

16 MR. WOODFIELD: Well, it's probably a

17 bandwidth issue, so the simplest thing for him to

18 do is to go on mute here and dial in with the

19 phone.

20 JUDGE HOFFMAN: Yeah, that makes

21 sense to me. I think that would work, if you --

22 Mr. Hansen, if you mute your Zoom,

23 and then go ahead and call in on the phone line,

24 I think you'll be able to testify more clearly.

25 Let's go off the record.

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2 (Recess taken, 3:20 p.m. to  
3 3:23 p.m. PDT)  
4 JUDGE HOFFMAN: Okay. We're in  
5 business.  
6 Back on the record.  
7 BY MR. ROBERTSON:  
8 Q. Excellent. So when we broke off,  
9 Mr. Hansen, I was just asking you whether -- did  
10 you understand when you filed the TCR with the  
11 SEC that if the SEC brought a claim and --  
12 MR. ROBERTSON: We're not there yet.  
13 I'm trying to clean up the last question.  
14 Sorry.  
15 BY MR. ROBERTSON:  
16 Q. That if the SEC brought any kind of  
17 claim and the SEC was able to settle with or got  
18 a judgment against Tesla, that you would be  
19 entitled to a monetary payment.  
20 A. No, I didn't think I -- I didn't  
21 expect that that was an entitlement. I  
22 understand that there was a process involved with  
23 that. That was my understanding, that  
24 potentially that could happen.  
25 Q. Right. So you knew that part of this

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2 Do you see that?  
3 A. Yes, I see that.  
4 Q. Okay. And in terms of this drug  
5 cartel, to the extent that there was a drug  
6 cartel operating within the Gigafactory, that  
7 wouldn't have had any effect on Tesla's financial  
8 statements, would it?  
9 MR. ROBERTSON: Objection, calls for  
10 speculation.  
11 JUDGE HOFFMAN: Overruled.  
12 You can answer if you know.  
13 A. Your Honor, I don't know. I don't  
14 know.  
15 BY MR. ROBERTSON:  
16 Q. What I'm trying to understand is  
17 Tesla was not in the business of selling drugs  
18 and getting revenue or income from drug dealing;  
19 right?  
20 A. That's correct, and I don't think  
21 that was the basis of the allegations.  
22 Q. Right. Well, you filed a claim with  
23 the SEC claiming that Tesla had SEC violations  
24 based upon, in part, these allegations of a drug  
25 cartel. And I'm just trying to understand

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2 process of filing with TCR was that you might get  
3 money at the end of the day?  
4 A. Yeah, I did.  
5 Q. Let's go to Exhibit 17.  
6 Mr. Hansen, I've put up on the screen  
7 joint Exhibit 17.  
8 A. I see it, yes.  
9 Q. Is this the -- or why don't you just  
10 explain, what is this document?  
11 A. A preliminary report by Mr. Gouthro,  
12 a couple weeks after being given that tip,  
13 primarily comprised of information related to  
14 those identified in the -- in that very  
15 preliminary document.  
16 Q. Okay. So, Mr. Hansen, do you recall  
17 around when you prepared this document?  
18 A. I believe it was June 12, 2018.  
19 Q. And was there any subsequent report  
20 that you prepared and submitted to Mr. Gouthro  
21 after this one?  
22 A. No, there was not.  
23 Q. Okay. And in this report, at the top  
24 there's a line item that says estimated value,  
25 and it says TBD.

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2 whether you have any understanding of how a drug  
3 cartel, purportedly operating within one of the  
4 Tesla facilities, has any impact on the financial  
5 statements that are provided to shareholders.  
6 MR. WOODFIELD: Your Honor, I'm going  
7 to object at this point because now we're getting  
8 into the legal question of the efficacy of  
9 whether a TCR is viable and what's a -- what's a  
10 viable 10-K reportable event. And I think that's  
11 beyond the ken of an average individual.  
12 JUDGE HOFFMAN: Well, it probably is,  
13 but the witness can answer what his understanding  
14 is of the impact of a drug investigation on  
15 Tesla, if he knows.  
16 A. So, Mr. Robertson, your question was  
17 if there was a cartel operating out of the  
18 Gigafactory; is that correct?  
19 BY MR. ROBERTSON:  
20 Q. We can read it back. My question is:  
21 How does the allegation, unproven allegation of a  
22 potential drug activity within the Gigafactory,  
23 how does that impact Tesla's financial statements  
24 it provides to his shareholders?  
25 A. I'm not qualified to --



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2 MR. WOODFIELD: Same objection --

3 A. -- answer that question.

4 BY MR. ROBERTSON:

5 Q. Okay. And again, there came a point

6 in time where you were asked by Tesla personnel

7 to turn over your work product related to this

8 investigation and you refused; correct?

9 A. I did, yes.

10 Q. And, Mr. Hansen, if I had my dates

11 right, your attorney put out a press release

12 about you having gone to the SEC on August 16th;

13 is that correct?

14 A. Please repeat the question.

15 Q. Sure.

16 My understanding is that in

17 connection with your -- that Mr. Meissner, your

18 attorney, put out a press release indicating that

19 you had spoken to the SEC on August 16th; is that

20 correct?

21 A. August 16th is the date of the press

22 release that Mr. Meissner put out.

23 Q. Right.

24 And that August 16th was when in that

25 press release it was disclosed that you had filed

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2 Associate.

3 Who is your associate?

4 A. Mr. Gouthro, and I also referred to

5 Ms. Wells is aware of this investigation, as was

6 Mr. Gouthro.

7 Q. So, wait a minute, wait a minute.

8 So the associate referenced in here

9 is Ms. Wells?

10 A. I can't hear a word you're saying.

11 MR. ROBERTSON: Can everyone else

12 hear me?

13 MR. WOODFIELD: Yes.

14 A. Okay. I just got you now. So the

15 associate is Mr. Gouthro.

16 BY MR. ROBERTSON:

17 Q. No. It says investigation

18 supervisor, S. Gouthro.

19 Name of investigators, Karl Hansen &

20 Associate. Who is the associate?

21 A. The associate is also Mr. Gouthro,

22 and I mentioned that Ms. Wells was aware of this

23 as well.

24 Q. I understand. Ms. Wells was not

25 employed by Tesla; correct?

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2 something with the SEC; correct?

3 A. Yes, that is correct.

4 Q. Was your contract through USSA

5 terminated on the 17th of July -- I mean, of

6 August?

7 A. I didn't hear that. Please repeat

8 the question.

9 Q. Was your -- what -- did Tesla

10 instruct USSA to end your assignment at the

11 Gigafactory on the 16th of August?

12 A. No, they did not.

13 Q. Did they do it on the 17th of August?

14 A. No, they did not.

15 Q. In fact, it was several weeks later,

16 at the end of August, when the instruction came;

17 correct?

18 A. That is correct, yes.

19 Q. And then -- oh, yeah, it says here:

20 Name of investigators, Karl Hansen & Associate.

21 Who was your associate?

22 A. I'm sorry, say again?

23 Q. Sure.

24 In this document, it says: Name of

25 investigators. It says: Karl Hansen &

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2 A. No, she was not.

3 Q. Did Ms. Wells ever have any authority

4 to engage in any activities on behalf of Tesla?

5 A. No, she did not.

6 Q. Let's go to seven --

7 MR. ROBERTSON: What?

8 Oh, admit 17, please. Move to

9 admit 17.

10 MR. WOODFIELD: No objection.

11 JUDGE HOFFMAN: 17 is in.

12 (Whereupon, Exhibit 17 was received.)

13 BY MR. ROBERTSON:

14 Q. Let's go to 73.

15 While Anne's finding that,

16 Mr. Hansen, there was a discussion of Ken Davis.

17 We saw the e-mail from Mr. Davis.

18 Do you recall that?

19 A. Yes, I do.

20 Q. Okay. Ken Davis was never your

21 supervisor; right?

22 A. No, he was not.

23 Q. But Mr. Davis did train you when you

24 first came to Tesla; correct?

25 A. Yes, he did.

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2 Q. Did you tell Mr. Davis at some point

3 that you were e-mailing information from your

4 Tesla account to your personal Gmail account?

5 A. I don't recall whether I told him

6 that.

7 Q. So you don't know one way or the

8 other whether you might have mentioned that to

9 him?

10 A. I don't. I don't recall.

11 Q. Okay. Were you involved in any

12 discussions with any Tesla management in which

13 Ken Davis was also in the room?

14 A. Yes, with Sean Gouthro and on

15 occasion Marshall Sprott periodically.

16 Q. Did you ever hear Mr. Davis criticize

17 you or criticize your work?

18 A. No, I never did.

19 Q. So to the extent Mr. Davis expressed

20 concerns about you, do you have any reason -- any

21 basis, based on your interactions with Mr. Davis,

22 to know why that would be?

23 A. No, sir.

24 Q. Mr. Hansen, I've put in front of you

25 what's been identified as Exhibit 73,

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2 BY MR. ROBERTSON:

3 Q. Yeah, my question is, is this

4 referencing Mr. German in this first paragraph?

5 A. Yes, it is.

6 Q. Okay. And were you having

7 discussions with Matt German at USSA about

8 Mr. Jones?

9 A. We discussed Mr. Jones on occasion,

10 yes.

11 Q. And the last sentence says: Yeah,

12 when they know you're a threat to them, most

13 people act like that.

14 I said: Yep.

15 Did you talk about --

16 A. That's the --

17 Q. Okay. Did you talk about you as a

18 threat?

19 A. Mr. German told me that Mr. Jones and

20 the -- regarded me as a threat.

21 Q. Okay. And, Mr. Hansen, after you

22 left Tesla, so after your assignment with Tesla

23 was ended, did you reach out to the FBI?

24 A. My attorney reached out to the FBI,

25 who subsequently reached out to me.

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2 joint Exhibit 73.

3 A. Yes, sir, I see it.

4 Q. And do you know who this text chain

5 is with?

6 A. I'm reading it. Hold on.

7 Q. That's fine.

8 A. You're going too fast here. But to

9 answer your question, it is with Ms. Wells.

10 Q. Ms. Wells. Okay.

11 And again, was this while you were

12 working?

13 A. It appears to be, yes.

14 Q. Okay. And again, I'll leave the

15 language out, but were you having discussions

16 with -- well, in the first paragraph on the first

17 page -- let's go back up -- it looks like there's

18 a reference to someone else have -- making

19 comments about Jeff Jones.

20 A. I'm reading it. Hang on --

21 Q. Okay.

22 A. -- please.

23 [Document review.]

24 THE WITNESS: Okay. So I -- what is

25 your question, then?

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2 Q. Well, did you raise concerns with the

3 FBI that Tesla, after you left, was still

4 monitoring your phone and your computer?

5 A. Yes.

6 Q. And was there ever any concrete

7 evidence developed that that was occurring?

8 A. I was told that there was evidence

9 being obtained. There was -- I don't know what

10 that was, and I don't know to the extent of what

11 the FBI did with it.

12 Q. Well, you say evidence being

13 obtained. My question: Was there ever any

14 concrete evidence that was presented for you that

15 anyone at Tesla was continuing to monitor your

16 computer or your phone after your assignment on

17 September 4th was ended at the Gigafactory?

18 A. No, none was ever presented to me

19 directly.

20 MR. ROBERTSON: I think I'm done.

21 THE WITNESS: Sir, did you get my

22 answer? I'm sorry.

23 MR. ROBERTSON: Yes.

24 THE WITNESS: Okay.

25 MR. ROBERTSON: Okay, that's all I

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2 have. Thank you very much, Mr. Hansen. I know

3 that was a slog, but I appreciate it.

4 JUDGE HOFFMAN: Okay. Thank you.

5 So we're -- how are we doing on our

6 timing? We -- I think I would prefer to have

7 both sets of cross-examination be conducted

8 before redirect by Mr. Woodfield, and so that

9 means that USSA would begin its questioning now.

10 And so my question is: Is that desirable?

11 I know you all are on the East Coast

12 and so you're on a different clock than I am.

13 And it seems like we're okay on time. So would

14 the --

15 MR. ROBERTSON: Yep.

16 JUDGE HOFFMAN: Would you prefer to

17 wait until tomorrow to start cross or would you

18 rather press on tonight?

19 MR. ROBERTSON: So, we -- those of us

20 on the East Coast certainly from Boston are fine.

21 Nick, are you good? We're good. We

22 had assumed, Your Honor, we'd go until 5 o'clock

23 West Coast time. That would be 12:00 to 5:00.

24 (sic)

25 MR. WOODFIELD: I'm fine.

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2 by Ms. Braxton.

3 As a side note, I wanted to just

4 mention, since I didn't before, that the

5 witnesses and parties and attorneys should not

6 separately record these proceedings. We'll have

7 a good record of the proceedings from the court

8 reporter.

9 All right. Let's go ahead and

10 proceed with cross-examination. Ms. Braxton.

11 MS. BRAXTON: Thank you.

12 -----

13 EXAMINATION

14 -----

15 BY MS. BRAXTON:

16 Q. Good afternoon, Karl.

17 So you've testified, you know, about

18 your employment, and I will do my best not to ask

19 repetitive questions, but I will focus more so on

20 your USSA employment because I would like to get

21 additional detail from you about your experiences

22 and your claims as they relate to USSA. And with

23 that, I do want to confirm and at least clarify

24 something that I've heard today throughout the

25 course of your testimony.

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2 MR. ROBERTSON: We planned for that.

3 JUDGE HOFFMAN: Okay. All right,

4 good. Then it's -- we take off your screen --

5 Oh, did you move to admit 73?

6 MR. ROBERTSON: Yes, Your Honor,

7 thank you.

8 JUDGE HOFFMAN: Okay. So 73 is in.

9 (Whereupon, Exhibit 73 was received.)

10 JUDGE HOFFMAN: So, cross-examination

11 by USSA.

12 MS. BRAXTON: Your Honor, can we take

13 15 before we start?

14 JUDGE HOFFMAN: Yes, let's start at

15 4:00 my time, which is late your time.

16 15 minutes. At the top of the hour,

17 we'll be back.

18 MR. WOODFIELD: Thank you.

19 JUDGE HOFFMAN: Thank you.

20 (Recess taken, 3:45 p.m. to

21 4:02 p.m. PDT).

22 JUDGE HOFFMAN: We are back on the

23 record.

24 We are back on the record now for

25 cross-examination by USSA, and that will be done

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2 Is it your testimony that all of the

3 criminal activity that you reported to Tesla was

4 essentially stuff that they already knew about

5 because you had reported it at some point prior

6 to that in some form?

7 Prior to your SEC complaint?

8 A. I don't think I understand the

9 question. I'm really sorry. Can you repeat

10 that?

11 Q. Sure. Sure.

12 So before you came to USSA, you had

13 testified today to a series of concerns that you

14 raised when you were working for Tesla.

15 Is it your testimony that all of the

16 activity, criminal activity that you

17 investigated, you reported to Tesla prior to the

18 time that you joined USSA?

19 A. Yes, that is correct.

20 Q. And isn't it also true that Elon

21 himself at some point on or around June 5th of

22 2018 had indicated that there was some theft that

23 he was aware about? -- aware of, excuse me.

24 A. Yes, that is accurate.

25 Q. Okay. And even with that, you were

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 2 still brought on to USSA; right? Tesla still  
 3 recommended that USSA hire you.  
 4 A. Yes, ma'am, that is correct.  
 5 Q. And as the RIF that has been  
 6 testified and described today in testimony, as  
 7 part of the RIF, you weren't the only employee  
 8 that was subject to the RIF; is that correct?  
 9 A. Yes, ma'am, that's correct.  
 10 Q. And so there were plenty of other  
 11 employees that were impacted by the RIF around  
 12 that time as well; right?  
 13 A. Yes, there were.  
 14 Q. And so I understand at some point  
 15 prior to you joining USSA Security, there was  
 16 some discussion about you assuming an  
 17 investigator role, and that never materialized;  
 18 is that correct?  
 19 A. I'm sorry, Ms. Braxton, could you  
 20 repeat that question, please?  
 21 Q. Sure. So prior to you joining USSA,  
 22 there was some discussion about you assuming an  
 23 investigator role. However, that never  
 24 materialized; correct?  
 25 A. That is correct, yes.

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 2 there. Could you repeat the question one more  
 3 time? I'm sorry.  
 4 Q. No, sure. So at some point when  
 5 there was a decision made that USSA was no longer  
 6 going to handle this investigative program at the  
 7 Gigafactory, that was a decision made by Tesla;  
 8 is that correct?  
 9 A. Yes, ma'am, that is correct.  
 10 Q. And when you joined USSA, there was  
 11 some discussion about whether or not you would or  
 12 wouldn't assume a supervisor role; is that  
 13 correct?  
 14 A. That is correct, yes.  
 15 Q. And isn't it true that ultimately  
 16 Matt German determined that you were going to be  
 17 a supervisor; correct?  
 18 A. He did, yes.  
 19 Q. Okay. And he also determined that  
 20 you were going to be paid as a supervisor; is  
 21 that correct?  
 22 A. That is correct.  
 23 Q. Okay. And in making that decision, I  
 24 understand that there was some communication that  
 25 he had with you about that. And wasn't it his

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 2 Q. And you don't have any reason to  
 3 believe that the reason that that never  
 4 materialized or came to fruition has anything to  
 5 do with USSA not wanting it to happen; is that  
 6 correct?  
 7 A. That is correct, yes.  
 8 Q. So it's not your testimony here today  
 9 that the reason the investigator program didn't  
 10 happen, as far as USSA is concerned, that it  
 11 wasn't USSA's doing or decision for doing away  
 12 with the investigative program.  
 13 A. Yes, that is correct.  
 14 Q. Okay. And so you would agree that at  
 15 some point, Tesla made a decision and USSA was no  
 16 longer going to be having an investigative  
 17 program at the Gigafactory.  
 18 A. No, that's not accurate.  
 19 Q. Okay.  
 20 A. My -- I was --  
 21 Go ahead.  
 22 Q. Okay. So you would agree that Tesla  
 23 directed USSA that there was no longer going to  
 24 be an investigative program; correct?  
 25 A. Ma'am, you broke up just a little bit

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 2 position that no matter who told him at Tesla  
 3 that they didn't want you to be a supervisor,  
 4 that was irrelevant to him because he was going  
 5 to make a -- make you a supervisor; is that  
 6 correct?  
 7 A. We did have that conversation, and  
 8 subsequent to that conversation he advised me  
 9 that Jeff Jones directed him, as well as  
 10 Mr. McLellan, that I would not be in any  
 11 supervisory capacity or any investigative  
 12 capacity for U.S. Security.  
 13 Q. Okay. But as far as the direction is  
 14 concerned, he disagreed with them; right? And he  
 15 proceeded and made you a supervisor anyway;  
 16 correct?  
 17 A. He paid me as a supervisor.  
 18 Q. Okay. And is it your testimony today  
 19 that you did not perform any work as a supervisor  
 20 for USSA?  
 21 A. I believe I initially began doing  
 22 that with Ryan Leslie, and it was shortly after  
 23 that began that Mr. German notified me, I believe  
 24 his hands were tied and that I was not to be  
 25 an -- in an investigative capacity or a

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2 supervisory capacity.  
3 Q. Okay. And, sir, I want to be clear  
4 when I'm talking about your role at USSA -- if I  
5 say investigator, then I'll ask you about an  
6 investigative role, but I want to be clear that  
7 the role ultimately when you were hired for  
8 U.S. Security was as a security officer; is that  
9 correct?  
10 A. I will concede that, yes.  
11 Q. So at some point at USSA, you assume  
12 a supervisor role. Matt German makes sure that  
13 you are getting paid as a supervisor. And at  
14 some point you are no longer a supervisor.  
15 Is it true that you worked with an  
16 individual named Nubia at some point while you  
17 were employed at USSA?  
18 A. Yes. And I don't recall her last  
19 name, but I do recall Nubia, yes.  
20 Q. Sure. And do you recall also telling  
21 Nubia that you were going to step down as a  
22 supervisor?  
23 A. I don't recall telling her that. I  
24 have no recollection of that.  
25 Q. Well, isn't it true that at some

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2 today is that Mr. German told you that you  
3 weren't going to be able to be a supervisor. Is  
4 that what you're telling me?  
5 A. That is correct, yes, ma'am.  
6 Q. Okay. So when you told Nubia that  
7 you were stepping down as a supervisor, it was --  
8 you weren't -- you were doing that voluntarily;  
9 right?  
10 MR. WOODFIELD: Objection,  
11 Your Honor. That mischaracterizes the prior  
12 testimony. He said he didn't do that.  
13 You're on mute, sir.  
14 JUDGE HOFFMAN: I agree with the  
15 objection. I think that misstates the testimony.  
16 If you want to go at it a different way, you  
17 can --  
18 MS. BRAXTON: Sure.  
19 JUDGE HOFFMAN: -- Ms. Braxton.  
20 MS. BRAXTON: Sure. So I'd like to  
21 introduce as another exhibit, it's a joint  
22 exhibit, No. 55.  
23 And Alex will be helping me with the  
24 exhibits.  
25 JUDGE HOFFMAN: Okay.

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2 point you decided that you were going to step  
3 down as a supervisor?  
4 A. Yes.  
5 Q. Okay. And you -- no one at USSA  
6 forced you to step down; is that correct?  
7 A. Matt German made it very clear that I  
8 would not be in any such capacity, as directed by  
9 Jeff Jones, and that he would continue to pay me  
10 at the supervisor rate.  
11 Q. Okay. But you just testified that  
12 Matt German is the one who essentially made you a  
13 supervisor. Correct?  
14 A. He did. He said that would happen.  
15 And ultimately he directed Mr. McLellan to put me  
16 on the books at the rate of pay of a supervisor,  
17 although I was not working in that capacity any  
18 longer.  
19 Q. Okay. You don't have any evidence  
20 that Mr. -- anyone made Mr. McLellan or  
21 Mr. German reduce you down from a supervisor to a  
22 regular security officer; correct?  
23 A. Aside from Matt German telling me  
24 that, I don't.  
25 Q. Okay. And -- so your testimony here

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2 This has been introduced. Any  
3 objection to 55?  
4 MR. WOODFIELD: I'm reading it right  
5 now.  
6 JUDGE HOFFMAN: Okay.  
7 MS. BRAXTON: Specifically page 3227.  
8 If we can zoom in just a little bit.  
9 Mr. Hansen, take an opportunity just to read this  
10 page.  
11 THE WITNESS: I can't see the exhibit  
12 yet.  
13 Okay. And your question related to  
14 that exhibit is what?  
15 BY MS. BRAXTON:  
16 Q. My question is -- first of all, do  
17 you recognize this text exchange? On page --  
18 A. I recognize it.  
19 Q. And can you tell me who is involved  
20 in this text exchange?  
21 A. That would be myself and Nubia.  
22 Q. Okay. And the person on August 21st  
23 at 9:17, is that a message from you?  
24 MR. WOODFIELD: Forgive me, which  
25 is -- when you said "is that a message from you,"

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1 Hansen v Elon Musk - Arbitration Day 1  
2 what message?  
3 MS. BRAXTON: Sure. I'll read it.  
4 So there's a text message, Tuesday, August 21,  
5 9:17. That says: I didn't know anything about  
6 two leads. I did tell Rick yesterday I wasn't  
7 interested in being a supervisor with everything  
8 going on.  
9 BY MS. BRAXTON:  
10 Q. Mr. Hansen, is that your text message  
11 to Nubia?  
12 A. Yeah, it is.  
13 Q. Does that refresh your recollection  
14 whether or not you informed Rick McLellan that  
15 you were no longer interested in being a  
16 supervisor on or around August 21st?  
17 A. Yes, we had those discussions.  
18 Q. Okay. Thank you.  
19 MS. BRAXTON: Thank you, Alex.  
20 MS. SMITH: You're welcome.  
21 JUDGE HOFFMAN: Do you move to  
22 introduce 55, or that page?  
23 MS. BRAXTON: Yes.  
24 JUDGE HOFFMAN: Okay. Exhibit 55,  
25 page 3227 is admitted.

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2 Would you agree?  
3 A. Yes, it does appear.  
4 Q. Okay.  
5 A. For a period of time, yes.  
6 Q. Okay. I'm sorry, what was that?  
7 A. Yes, it does appear that way. That  
8 is correct.  
9 Q. Okay. Thank you.  
10 And the timing of that, on or  
11 around -- between 18 -- August 10, 2018 and  
12 August 23, 2018, that coincides with the time  
13 that you told Nubia that you had to step down as  
14 supervisor; is that correct?  
15 A. It appears to, yes.  
16 Q. And so, Mr. Hansen, I do want to talk  
17 a little bit about your employment at USSA. And  
18 let's start with your process when you were hired  
19 by USSA.  
20 Do you remember any kind of new  
21 employment orientation or having to fill out any  
22 new -- any documents as a new hire when you  
23 joined USSA?  
24 A. Yes.  
25 Q. Okay. And is it true that at or

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2 (Whereupon, Exhibit 55-3227 was  
3 received.)  
4 BY MS. BRAXTON:  
5 Q. And now I would like to pull what I  
6 believe has previously been entered into evidence  
7 is joint Exhibit 199.  
8 A. Yes, ma'am, I see that.  
9 MS. BRAXTON: And, Alex, if you can  
10 scroll to the pay week that includes August 21st,  
11 2018.  
12 BY MS. BRAXTON:  
13 Q. Mr. Hansen, would you agree that this  
14 appears to be your earnings statement from USSA  
15 for the period beginning August 10, 2018 through  
16 August 23, 2018?  
17 A. I'm sorry, can you repeat that?  
18 Q. Sure.  
19 Does this appear -- would you agree  
20 that this is your pay statement from USSA for the  
21 period of August 10th through August 23, 2018?  
22 A. Yes.  
23 Q. And it appears that your pay goes  
24 down from a supervisory rate to 19.80 during this  
25 pay period.

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1 Hansen v Elon Musk - Arbitration Day 1  
2 around the time that you were hired by USSA, you  
3 reviewed their employee handbook?  
4 A. Yes.  
5 MS. BRAXTON: I would like to  
6 introduce joint exhibit numbers 194 and -- oh,  
7 I'll go slowly.  
8 BY MS. BRAXTON:  
9 Q. And, Mr. Hansen, can you take a look  
10 at this?  
11 A. Yes, ma'am, I see it.  
12 Q. Okay. And do you recognize that as  
13 your signature on this document?  
14 A. It is my signature, yes.  
15 Q. And do you agree that you received a  
16 copy of USSA's security officer handbook at or  
17 around the date that you signed this document?  
18 A. Yes, I do agree.  
19 MS. BRAXTON: And now I would like to  
20 submit or admit that into evidence.  
21 MR. WOODFIELD: No objection.  
22 JUDGE HOFFMAN: 194 is in.  
23 MR. WOODFIELD: I believe it's 193,  
24 sir. No, it's 194. I apologize. Sorry.  
25 (Whereupon, Exhibit 194 was



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2 received.)  
3 MS. BRAXTON: And now I would like to  
4 introduce joint Exhibit No. 195.  
5 JUDGE HOFFMAN: Any objection to 195?  
6 MR. WOODFIELD: No, Your Honor.  
7 JUDGE HOFFMAN: Okay, it's in.  
8 MR. WOODFIELD: I think it may  
9 already be in, but -- no.  
10 MS. BRAXTON: Yeah, I think that's  
11 already in. I'm actually looking for our  
12 handbook. Give me a second, here.  
13 JUDGE HOFFMAN: Oh, okay.  
14 MS. BRAXTON: Give me a second. It's  
15 on one of these Post-Its.  
16 197? Okay. Joint Exhibit 197. My  
17 apologies.  
18 MR. WOODFIELD: No objection.  
19 BY MS. BRAXTON:  
20 Q. Mr. Hansen, do you recognize this  
21 document? We can scroll a little bit. I don't  
22 expect you to read the -- I just want to make  
23 sure you --  
24 A. No, I -- that's not necessary, I do  
25 recognize it.

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2 employed by USSA, you were paid only by USSA for  
3 the work you performed at the Gigafactory; is  
4 that correct?  
5 A. That's correct, yes.  
6 Q. And if you had any issues or concerns  
7 with your employment at the Gigafactory during  
8 the time that you were a USSA employee, you  
9 understood that you could go to your direct  
10 supervisors, also USSA employees; is that  
11 correct?  
12 A. Yes, I understood that.  
13 Q. And likewise, you understood that if  
14 you had any personnel issues that perhaps you  
15 didn't think were within the purview of your  
16 supervisors, you could also go to USSA's Human  
17 Resources; correct?  
18 A. I didn't know that I could have done  
19 that. I assume I could have done that. I'll  
20 stipulate to that, I could have done that.  
21 Q. Okay. Fair enough.  
22 And during the time that you were  
23 employed for USSA at the Gigafactory, your hours  
24 were dictated by your supervisors, your USSA  
25 supervisors; is that correct?

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2 Q. Okay. Perfect. And you recognize  
3 this as U.S. Securities security officer's  
4 handbook?  
5 A. Yes, I do.  
6 MS. BRAXTON: I would like to admit  
7 that into evidence.  
8 JUDGE HOFFMAN: Okay. 197 is in.  
9 (Whereupon, Exhibit 197 was  
10 received.)  
11 BY MS. BRAXTON:  
12 Q. Okay. Thanks.  
13 So we just reviewed the fact that you  
14 signed and acknowledged at the time you were  
15 hired with USSA some of its policies and receipt  
16 and acknowledgment of the employee handbook. And  
17 during the time that you worked for USSA, fair to  
18 say that your supervisors were employees of USSA  
19 as well as?  
20 A. Yes, ma'am, that's correct.  
21 Q. And your USSA supervisors were  
22 actually present on the site with you; is that  
23 correct?  
24 A. That's correct, yes.  
25 Q. And during the time that you were

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2 A. That's fair, yes.  
3 Q. If you weren't going to be able to  
4 make it for a shift or you had to call out, you  
5 would have to notify your USSA supervisors; is  
6 that correct?  
7 A. Yes.  
8 Q. And I want to introduce joint Exhibit  
9 No. 204.  
10 JUDGE HOFFMAN: Any objection?  
11 204 is in.  
12 (Whereupon, Exhibit 204 was  
13 received.)  
14 MS. BRAXTON: Just take a moment. We  
15 can scroll through this.  
16 You can let Alex know. She's doing  
17 that.  
18 [Document review.]  
19 A. I see the exhibit.  
20 BY MS. BRAXTON:  
21 Q. Okay. And I'm only going to focus on  
22 the top e-mail, from -- it appears to be from you  
23 to Matt German on August 1st, 2018.  
24 It looks like you are asking  
25 Mr. German about his feedback for you attending a

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1 Hansen v Elon Musk - Arbitration Day 1  
2 meeting. Is it -- this is on or around  
3 August 1st. Would you agree that that's when  
4 this is happening? That you reached out to  
5 Matt German?  
6 (Court reporter clarification)  
7 A. Yes, ma'am, the answer was yes. I  
8 would agree.  
9 BY MS. BRAXTON:  
10 Q. So fair to say that as of August 1st  
11 of 2018, some folks from Tesla are trying to  
12 arrange a meeting with you; is that correct?  
13 A. That's -- yes. That's correct.  
14 Q. And rather than meeting with these  
15 people, you are engaged in kind of having  
16 conversations with the press.  
17 Would you agree with that?  
18 MR. WOODFIELD: Objection,  
19 Your Honor. That's a misstatement of prior  
20 testimony.  
21 JUDGE HOFFMAN: The witness can  
22 testify what he recalls.  
23 A. Can you repeat the question, please?  
24 BY MS. BRAXTON:  
25 Q. Sure. How about this?

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2 Gecewich when he reached out -- or when you  
3 communicated with Ricky Gecewich, you said you  
4 had an attorney and -- but you would discuss; is  
5 that correct?  
6 A. That is correct, yes.  
7 Q. And I'm sorry, to clarify, when you  
8 spoke to Mr. Gecewich on August 9th, you said you  
9 had an attorney and you would not discuss it with  
10 him; is that correct?  
11 A. Actually, I'm going to have to see  
12 the e-mail, if you want to pull that up. I don't  
13 recall at this moment what my exact language was  
14 or verbiage was.  
15 Q. Okay. Sure.  
16 Do you recall or do you -- when  
17 you -- on or around August 9th when Ricky is  
18 trying to get in touch with you, do you remember  
19 telling him that you would not speak to him  
20 because you had an attorney?  
21 A. I don't recall that specifically at  
22 this time.  
23 Q. Okay. And so now I'm going to talk  
24 about -- you testified earlier about some  
25 conversations that you had with various

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1 Hansen v Elon Musk - Arbitration Day 1  
2 So as of August 1, 2018, isn't it  
3 true that you were engaged in communications with  
4 Linette from one of the media outlets you talked  
5 about earlier?  
6 A. I did e-mail Linette Lopez at that  
7 time, yes.  
8 Q. And so at the same time, while you  
9 were reaching out to Linette Lopez from whatever  
10 media entity she was from, at the same time Tesla  
11 was trying to arrange a meeting with you; is that  
12 correct?  
13 A. Yes, it appears they were.  
14 Q. And you wouldn't talk to them, the  
15 individuals from Tesla who were trying to speak  
16 to you; is that correct?  
17 A. I did have one meeting on August 9th  
18 with Ricky Gecewich. After that, I did not  
19 participate further in meeting with them.  
20 Q. But on August 1st when they were  
21 reaching out to you, you were not interested at  
22 that -- at least at that time in speaking with  
23 them.  
24 A. That is correct.  
25 Q. And on 8-9, you did tell Ricky

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2 individuals at USSA; and specifically as it  
3 relates to your investigations, you did  
4 understand that to the extent you had conducted  
5 investigations for Tesla as a Tesla employee, you  
6 were expected to maintain the contents of that  
7 confidentially; correct?  
8 A. Unless otherwise directed, yes.  
9 Q. Okay. And when you transitioned to  
10 USSA, you didn't disclose any of that  
11 confidential information to USSA employees  
12 generally, did you?  
13 A. No, I did not.  
14 Q. So you knew it wouldn't be  
15 appropriate for you to go discussing the contents  
16 of your highly secretive investigations with USSA  
17 employees after you became a USSA employee; is  
18 that correct?  
19 A. The only people that had knowledge  
20 were ultimately -- what I was working with was  
21 Mr. German, Mr. Leslie, and Rick McLellan. Other  
22 than that, no.  
23 Q. Okay. And when you say had  
24 knowledge, what specifically did you share  
25 with -- let's start with Matt German.

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2 What did you tell Matt German?

3 A. I shared exactly information related

4 to the -- help with the investigations that I was

5 conducting, specifically the cartel investigation

6 and the reports of theft.

7 Q. Okay. And this you were sharing with

8 them -- I don't want -- I don't want to be broad.

9 Specifically, are you saying that you shared this

10 with Matt German? Who are you -- who is this --

11 A. Matt German and Rick McLellan and I

12 both had discussions about these investigations,

13 as I did with supervisor Ryan Leslie.

14 Q. Okay. And why did they have a need

15 to know this information?

16 A. Because of my communications and

17 their concerns with what Tesla was directing them

18 to do regarding my positions, the interference

19 with the contract that Matt German initially

20 offered me. The subsequent directives from

21 Tesla, Jeff Jones specifically, to not have me

22 working in an investigator role or a supervisory

23 capacity. And subsequently, ultimately at

24 Tesla's direction, restricting me from the

25 Gigafactory and moving me further out in isolated

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2 yes. That -- a conversation like that, I recall,

3 occurred.

4 Q. Okay. And specifically with respect

5 to Matt German, what did you tell him about your

6 investigations?

7 A. I don't recall specifically

8 everything that I stated, but as he and I were

9 discussing these changes to my role and the

10 directives he was getting, I explained to him

11 that I was directed to investigate allegations of

12 potential narcotics trafficking involving

13 Mexican -- a Mexican drug cartel, or personnel

14 associated with that. In addition, the thefts.

15 The thefts were no secret. Matt German,

16 U.S. Security, everybody was aware of the rampant

17 theft and everything going on there. So, I mean,

18 he had knowledge of that as well.

19 Q. And you didn't have any --

20 A. Those were specific --

21 Q. Sorry. Sorry, it looks like you

22 paused some time and then there's a delay. So

23 I'm not purposely interrupting you. You can

24 finish.

25 A. No, I think I answered. I was

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1 Hansen v Elon Musk - Arbitration Day 1

2 positions.

3 Q. Okay.

4 A. And they were constructive about that

5 as well.

6 Q. And but you weren't an investigator

7 at this time; right? You didn't have a need to

8 tell them.

9 A. I felt I did have a need to tell

10 them, because Matt German was perplexed about

11 what was going on. He talked about Tesla being

12 very cryptic with him. Not initially disclosing

13 who -- ultimately he was talking to Jeff Jones.

14 Both Rick McLellan and Matt German stated that

15 they were going to do what they could to protect

16 me.

17 Q. Isn't it true that at some point

18 Matt German told you, Look, I am -- your USSA --

19 I'm USSA, and, you know, to the extent that you

20 want to share this confidential investigative

21 information, that's not my role, and he was

22 not -- you know, they sought very much so to not

23 involve themselves in the investigative work that

24 you had done?

25 A. That's fair, yes. Yes. Initially,

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1 Hansen v Elon Musk - Arbitration Day 1

2 waiting to hear your response, ma'am. I

3 apologize.

4 Q. Sure.

5 What I was going to say is during the

6 time that you were at the Gigafactory as a USSA

7 employee, it's true that Mr. German was not

8 working or -- he was not present on a daily basis

9 in the Gigafactory; would you agree?

10 A. Absolutely. That is absolutely true.

11 He traveled extensively.

12 Q. Okay. And even further, wasn't it

13 true that he was actually assigned and working

14 out of Kansas, Wichita, Kansas?

15 A. He was. He told me that that was his

16 home location.

17 Q. And even fair to say that you didn't

18 see him regularly or frequently at all?

19 A. That's fair. I think I saw him on

20 a -- four times, perhaps.

21 Q. So your testimony is that you

22 actually saw Mr. German in person about four

23 times during the duration that you worked for

24 USSA at the Gigafactory?

25 A. It was during my total tenure, with

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2 both companies.  
3 Q. I know that you exchanged some text  
4 messages with Mr. German. And I do want to kind  
5 of visit some of those, but before that, to the  
6 extent that you were sharing information with  
7 Mr. German about your investigations, as you've  
8 just testified to, what was this method of  
9 communication? How did you communicate this  
10 information to him?  
11 A. We had telephonic discussions, we  
12 exchanged text messages, and we met on two of  
13 those occasions -- well, we met on the -- I think  
14 it was two occasions that he was actually at the  
15 facility, that we had a discussion -- we had  
16 discussions.  
17 Q. And when you discussed the contents  
18 of the investigations that you had done, was that  
19 before you had joined USSA as an employee? When  
20 you discussed those investigations with  
21 Mr. German, was that before you had joined USSA  
22 as an employee?  
23 A. Those began approximately prior to  
24 that transition, yes.  
25 Probably end of June, beginning of

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1 Hansen v Elon Musk - Arbitration Day 1  
2 Q. Do you recall any further  
3 conversations or communications with Mr. German  
4 after he essentially told you, please delete all  
5 of these text messages, I don't want to have --  
6 continue, you know, discussing any of these  
7 issues with you?  
8 A. I don't recall specifically whether  
9 he said he didn't want to discuss any of these  
10 issues anymore with me. I do recall him stating  
11 that -- asking me to delete the messages. We had  
12 a telephone conversation also regarding that  
13 after the fact, but I don't remember the date  
14 specifically.  
15 Q. Okay. And this telephone  
16 conversation that you're referencing, is this --  
17 when you had this telephone conversation, did the  
18 communications between you and German continue  
19 after that?  
20 A. I don't recall when specifically they  
21 stopped occurring.  
22 Q. Okay.  
23 A. Or if there's even an end date to  
24 them. I really don't recall.  
25 Q. Well, isn't it true, Mr. Hansen, that

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2 July, after I was notified that the investigator  
3 role was not going to -- you know, not moving  
4 forward.  
5 Q. And isn't it true that at some point  
6 Mr. German was very clear with you in that he no  
7 longer wished to exchange text messages or have  
8 calls at some point?  
9 A. Mr. German asked me to delete text  
10 messages between him and I.  
11 Q. Okay. And at that time, was it your  
12 understanding that he didn't wish to exchange  
13 casual text messages with you anymore, or have  
14 any kind of casual phone calls?  
15 A. I don't -- I don't know -- are you  
16 asking me what my understanding was?  
17 Q. Yes.  
18 A. I can't answer that.  
19 Q. Okay.  
20 A. I don't know what you're looking for  
21 there.  
22 Q. Sure. When he asked you to delete  
23 those text messages, you didn't delete them;  
24 right?  
25 A. No, I did not.

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2 you produced all of the relevant evidence that  
3 you had related to conversations or  
4 communications you may have had with Mr. German  
5 as part of this case in discovery?  
6 A. Yes.  
7 Q. And it would have been your goal and  
8 your objective to make sure that you produced all  
9 of the communications that you were able to  
10 document with Mr. German; is that correct?  
11 A. That's correct.  
12 Q. And earlier you testified that you  
13 had informed various persons within U.S. Security  
14 about some of the concerns that you had raised,  
15 including investigations. And to the extent that  
16 you shared any of those concerns, is it true  
17 that --  
18 Well, first of all, excuse me.  
19 Strike that.  
20 Mr. Hansen, do you have any evidence  
21 or is it your testimony today that at some point  
22 you told Mr. German about your SEC complaint?  
23 A. Yes, Mr. German was aware of that.  
24 Q. Okay. And did --  
25 A. I can't recall specifically when.

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2 Q. Did he know when you filed -- or

3 excuse me. You said he's aware of that. What

4 evidence do you have to demonstrate that

5 Mr. German was aware of the SEC filing?

6 A. I can't recall off the top of my head

7 specifically, but at the media release by my

8 attorney on the 16th as well is when everybody

9 became aware of that. But I don't know what

10 additional evidence you're asking about.

11 Q. Sure. So is it your testimony that

12 Mr. German knew about your SEC complaint because

13 of a press release from your attorney?

14 A. I'm not sure when exactly -- that is

15 my testimony, that -- and he became aware,

16 definitely then, at that time. I don't recall

17 specifically. I may have had a conversation with

18 him about that, on or about the 9th, but I don't

19 know. I don't recall that specifically.

20 Q. Okay. You said that he became aware

21 of it because of the press release. How do you

22 know that?

23 A. Because it was talked about

24 extensively in and throughout the Gigafactory at

25 that time. Supervisors were aware of it.

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2 the text messages. If you want to pull all of

3 those up, we can go through all of Matt German's

4 text messages.

5 Q. Absolutely. I've read all of the

6 evidence, all 7,500 of your pages that you

7 produced, and I do not see any evidence of that,

8 but we can absolutely pull up Mr. German's text

9 exchange with you. I believe it's already been

10 entered into evidence as joint Exhibit No. 121.

11 So if you -- I don't know if you have

12 the ability to scroll, but I will definitely ask

13 Alex to scroll this. And we're going to look for

14 wherever it is that you tell -- tell me where it

15 is that you're telling Mr. German about your SEC

16 complaint.

17 [Document review.]

18 A. If you could slow down just a little

19 bit, please.

20 MS. BRAXTON: Sure.

21 A. Keep going.

22 [Document review.]

23 Yeah, keep scrolling slow, that would

24 be fine.

25 [Document review.]

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2 Rick McLellan was aware of it -- became aware of

3 it, and actually had discussed it after that

4 press release had gone out.

5 Q. So you're saying that -- when you say

6 discussed it, who discussed it after the press

7 release?

8 I want to make sure I'm hearing what

9 you're saying clearly.

10 A. U.S. Security supervisors,

11 Ryan Leslie, Rick McLellan.

12 Q. Okay. Do you have any evidence that

13 Matt --

14 A. And --

15 Q. Do you have any evidence that

16 Matt German specifically knew? I hear what

17 you're telling me. You're telling me that there

18 was a press release and there were lots of people

19 talking about it at the Gigafactory.

20 My question to you is, are you aware

21 or do you have any information or facts to

22 suggest that Matt German knew about this?

23 A. I do believe so, and I believe that

24 it's -- the evidence is in the record. And I'm

25 not -- I don't remember it -- you have to read

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2 Okay. Hold on there.

3 Okay. Keep going, please.

4 [Document review.]

5 Can you slow down just a little,

6 please? I'm sorry.

7 MS. BRAXTON: Yes, no problem.

8 A. Okay. To keep -- keep going, please.

9 [Document review.]

10 Okay. Keep going.

11 [Document review.]

12 Slow down, please.

13 Okay. Keep going.

14 [Document review.]

15 BY MS. BRAXTON:

16 Q. So, Mr. Hansen, what date --

17 A. Yes, ma'am.

18 Q. You do know the date that you filed

19 your SEC complaint; right?

20 A. I do, yes.

21 Q. And I think that -- you know, I don't

22 want to preclude you from reading this whole

23 thread, but the dates are fairly, fairly clear

24 that this text message exchange ends on or around

25 August 3rd. We'll go down to the bottom. If you

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2 want us to go back so you can read, we can. But

3 I just think timing alone might help clarify --

4 or speed this up.

5 A. If you could scroll down just --

6 please.

7 Oh, go up -- continue going back the

8 way you were going. I apologize.

9 Okay. Right there, "chance to look

10 at the e-mail, and if so..."

11 Keep going down or up, however you

12 were scrolling.

13 No, the other way. I do apologize.

14 Hold on a sec.

15 [Document review.]

16 A. Okay. Continue scrolling.

17 BY MS. BRAXTON:

18 Q. Down? Down?

19 A. Yes, down, please.

20 [Document review.]

21 A. Yeah, continue, please.

22 [Document review.]

23 A. Yeah, I don't see the date, but I

24 believe that was around August 9th.

25 I could be wrong.

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2 BY MS. BRAXTON:

3 Q. Okay. All right. I'm sure I can

4 call it up for you.

5 So let's focus on Wednesday, 14:05.

6 There's a text message that says: Hey Matt, have

7 you had a chance to look at that e-mail? And if

8 so, do you have an opinion on my attendance? I

9 would like to --

10 MS. BRAXTON: We'll come back to

11 this, but let's pull up joint Exhibit No. 204.

12 BY MS. BRAXTON:

13 Q. So here is an e-mail from August 1st,

14 also a Wednesday, and it is an e-mail from you to

15 Matt. And you're asking -- you can read it

16 yourself. I won't read it for you. But

17 essentially you're asking him for some feedback

18 about attending a meeting, and you want his

19 feedback.

20 And this is on August 1st --

21 A. Correct.

22 Q. -- 2018, a Wednesday.

23 And so now I'd like to go back to the

24 text message that's also on a Wednesday, and it's

25 about a meeting.

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2 BY MS. BRAXTON:

3 Q. So I'll help with the time frame

4 here, because I think obviously that's very

5 important.

6 MS. BRAXTON: So regarding -- if we

7 could scroll up for one second, Alex, just to the

8 "shots fired."

9 Maybe this will refresh your

10 recollection, Mr. Hansen.

11 BY MS. BRAXTON:

12 Q. This "shots fired" e-mail, or text

13 message, do you remember the timing generally

14 when Mr. German would have told you shots fired

15 and he loved it?

16 A. Can you scroll up a little bit more

17 to the prior.

18 Okay. Stop right there, please.

19 Can you scroll down just a little

20 bit.

21 [Document review.]

22 A. Yeah, I do -- I'm not sure, but I

23 believe that might have been around August 9th.

24 That's the best of my recollection.

25 \* \* \*

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2 A. Mm-hmm.

3 Q. Maybe this will help refresh your

4 recollection.

5 All right. So if we can get back to

6 that Wednesday. All right. Hey, Matt. Have you

7 had a chance to look at that e-mail? And if so,

8 do you have an opinion on my attendance?

9 Mr. Hansen, after reviewing the mail

10 that you sent to Mr. German on August 1, 2018,

11 asking about his feedback for a meeting and your

12 attendance, and this text message that you also

13 sent on a Wednesday asking about his -- whether

14 or not he had an opportunity to look at your

15 e-mail, does this refresh your recollection as to

16 the date of this text exchange?

17 A. It potentially does. We were talking

18 about two different meetings, an August 9th

19 meeting with Mr. Gecewich was not the meeting

20 that was being referred to in the prior e-mail

21 that you put up. That was a request to meet with

22 Gerhard Pretorius.

23 Q. Sure.

24 But at the same time, you are asking

25 Mr. German about his opinion on your attendance



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1 Hansen v Elon Musk - Arbitration Day 1  
2 at a meeting on August 1, 2018; would you agree?  
3 A. I would, yes.  
4 Q. Okay. So is it possible that this  
5 e-mail -- or excuse me, this text message on  
6 Wednesday at 14:05 was sent on August 1, 2018?  
7 A. I suppose it's possible.  
8 Q. Please scroll down a little bit.  
9 Okay. And I'm sure we'll go  
10 through -- we'll go through other exhibits that I  
11 think will help focus the time frame of this.  
12 But for now, those are the only questions that I  
13 have for that at this time.  
14 Mr. Hansen, you just testified about  
15 essentially that everyone knew because there was  
16 this stuff on the media and people were talking  
17 about it. Did you ever discuss your Fox News  
18 appearance with Mr. German?  
19 A. I don't recall specifically.  
20 Q. If you had discussed it, is that  
21 something that you think would have been  
22 important to memorialize in writing? Document?  
23 A. Sure.  
24 Q. So you think it would have been a  
25 good idea that if you did have a conversation

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1 Hansen v Elon Musk - Arbitration Day 1  
2 was read by the court reporter.)  
3 "ANSWER: Matt German acknowledged  
4 that he was aware of that when he spoke to me  
5 prior -- when -- after Tesla asked USSA to remove  
6 me, he had stated that he had observed and seen  
7 the Fox News piece, or knew I was on Fox News.  
8 "So prior to that, I can't answer."  
9 (End of readback.)  
10 BY MS. BRAXTON:  
11 Q. Okay. And, Mr. Hansen, do you have  
12 any evidence that you told Mr. German this?  
13 A. In my phone conversation with him  
14 when he notified me that Jeff Jones directed him  
15 to remove me from the Tesla property. We had a  
16 conversation. That's the evidence I have  
17 regarding that.  
18 Q. Okay. And aside from this phone  
19 conversation that you're referencing, is there  
20 any other evidence that you are aware of that  
21 indicates or suggests that you told Mr. German  
22 about your Fox News appearance?  
23 A. No.  
24 Q. And for the -- I'm sorry, strike  
25 that.

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1 Hansen v Elon Musk - Arbitration Day 1  
2 with Mr. German about your Fox News media, it  
3 would have been something that you noted  
4 somewhere, made a memo, a document or something  
5 to memorialize that event?  
6 A. I don't know. I mean, I'm  
7 speculating. I spoke to nobody about that prior  
8 to -- on my day off attending that.  
9 Q. Okay. And if Matt German were to  
10 testify that he never talked to you about a  
11 Fox News media -- your appearance on Fox News,  
12 are you saying essentially that that -- do you  
13 think that would be untruthful or not true?  
14 A. Matt German acknowledged that he was  
15 aware of that when he spoke to me prior --  
16 when -- after Tesla asked USSA to remove me, he  
17 had stated that he had observed and seen the  
18 Fox News piece, or knew I was on Fox News.  
19 So prior to that, I can't answer.  
20 Q. Just give me one second. I'm  
21 actually looking at the --  
22 MS. BRAXTON: I'm sorry, Ms. -- the  
23 court reporter, do you mind reading that answer  
24 back for me?  
25 (Whereupon, the following testimony

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1 Hansen v Elon Musk - Arbitration Day 1  
2 And, Mr. Hansen, I know that we just  
3 looked back at the text messages; but without  
4 pulling that back up, isn't it true that during  
5 the time that you were employed at USSA, you had  
6 never raised any claims that Mr. German had  
7 retaliated against you?  
8 A. That's correct, yes.  
9 Q. And isn't it true, in fact, that you  
10 believe that Mr. German was a straight shooter  
11 when it came to --  
12 A. That is --  
13 Q. And --  
14 A. Yes.  
15 Q. Sorry.  
16 And during the time that you were  
17 employed by USSA, did you feel that he was very  
18 supportive of your employment and continued  
19 employment as a USSA employee?  
20 A. Yes, I did.  
21 Q. And you don't believe that Mr. German  
22 had any reason to remove you from the Gigafactory  
23 other than that he received a request from Tesla,  
24 do you?  
25 A. That was the reason he gave me, and

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1 Hansen v Elon Musk - Arbitration Day 1  
2 no, I don't. I believe that he was given that  
3 directive.  
4 Q. And you don't have any reason to  
5 believe that Mr. German had any negative feelings  
6 about you because you had done investigations or  
7 you were involved investigating theft at the  
8 Gigafactory; correct?  
9 A. No.  
10 That is correct, yes.  
11 Q. And when you did share with him  
12 information about your investigations and the  
13 work that you were doing, he was very supportive  
14 and he didn't give you any kind of negative  
15 responses as far as you can recall; is that  
16 correct?  
17 A. That is correct, yes, ma'am.  
18 Q. Do you -- I do want to pull back up  
19 the text exchange, 121. If we can all turn back  
20 to that.  
21 MS. BRAXTON: Okay. So let's go  
22 to -- I believe it's KH 864. Yeah, it's part  
23 of -- yeah.  
24 Okay. Scroll up just a little bit.  
25 Q. So right there in that text message,

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1 Hansen v Elon Musk - Arbitration Day 1  
2 Q. And your recorded phone calls with  
3 Mr. German, those were made without his consent;  
4 is that correct?  
5 A. Yes.  
6 Q. And you didn't produce those;  
7 correct?  
8 A. No.  
9 Q. If you had one that you think  
10 essentially showed or captured you telling  
11 Mr. German about the SEC complaint or the  
12 Fox News thing that you did, did -- didn't you  
13 think it would have been important to produce  
14 those?  
15 MR. WOODFIELD: Objection. We  
16 produced every recording we had.  
17 A. Yeah, I think we did actually, now  
18 that I think about it.  
19 MS. BRAXTON: Okay. Can we take a  
20 short break?  
21 JUDGE HOFFMAN: Sure. How long do  
22 you want?  
23 MS. BRAXTON: Ten minutes.  
24 JUDGE HOFFMAN: Ten minutes. You've  
25 got it. We'll be back at 5:15 my time.

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1 Hansen v Elon Musk - Arbitration Day 1  
2 Mr. Hansen, is that your text message, a text  
3 message from you to Matt German?  
4 A. It is, yes.  
5 Q. And is it true that you actually told  
6 him that he's been the only guy to shoot straight  
7 with you?  
8 A. Yes, it is.  
9 Q. And also, we did look at this exhibit  
10 earlier, and the purpose -- we started talking  
11 about timing and so on and so forth, and the  
12 date, but in this text exchange, which appears to  
13 be the only record of the text messages that you  
14 exchanged with Mr. German, anywhere in here did  
15 you inform him that you filed an SEC complaint?  
16 A. No. Not in that, no.  
17 Q. So nowhere in the text exchange or  
18 text messages that you exchanged with Mr. German  
19 did you inform him that you had filed an SEC  
20 complaint?  
21 A. No.  
22 Q. And, Mr. Hansen, isn't it true that  
23 you recorded conversations that you had with  
24 Mr. German without his consent?  
25 A. Yes.

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1 Hansen v Elon Musk - Arbitration Day 1  
2 (Recess taken, 5:05 p.m. to  
3 5:15 p.m. PDT)  
4 MS. BRAXTON: Okay. Are we back on?  
5 JUDGE HOFFMAN: Yes.  
6 BY MS. BRAXTON:  
7 Q. Okay, Mr. Hansen. So just before the  
8 break, you testified that Matt German knew about  
9 the SEC complaint and that he told you --  
10 MR. WOODFIELD: Has the judge said  
11 we're back on and the court reporter?  
12 MS. BRAXTON: Oh, sorry.  
13 MR. WOODFIELD: I think you have to  
14 wait.  
15 MS. BRAXTON: I did get a thumbs-up  
16 from the court reporter.  
17 JUDGE HOFFMAN: Yeah, I think we're  
18 good to go.  
19 Okay. We got a thumbs-up from the  
20 court reporter.  
21 BY MS. BRAXTON:  
22 Q. Okay. So just before the break,  
23 Mr. Hansen, you testified that Mr. German knew  
24 about the SEC complaint and that he told you that  
25 he knew in the call when he called to inform you

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1 Hansen v Elon Musk - Arbitration Day 1  
2 that you were being removed from the account.  
3 You also testified that you recorded  
4 your calls with Mr. German, and that you did not  
5 have his permission to record him during those  
6 phone calls.  
7 MS. BRAXTON: We do have the removal  
8 phone call, and we would like to submit that as  
9 impeachment evidence, because we've just listened  
10 to it and there is no mention of an SEC complaint  
11 or a Fox News appearance. And I think it's very,  
12 very important that the Judge, Mr. Hoffman,  
13 consider introducing this recording. It's only  
14 about four and a half minutes.  
15 JUDGE HOFFMAN: I guess first of all,  
16 is there an objection to the consideration of  
17 that recording?  
18 MR. WOODFIELD: I think it would be  
19 beneficial to hear the recording.  
20 JUDGE HOFFMAN: So there's no  
21 objection. It hasn't been marked yet, so it  
22 needs to be marked and presented somehow.  
23 Maybe what we can do is I can listen  
24 to it right now if you want to, and then you can  
25 mark it and put it into the record.

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2 to stipulate to that. I haven't the slightest  
3 idea, and I thought their characterization of the  
4 text was a little loose, so I would like to hear  
5 the -- I'd like to hear the recording.  
6 MS. BRAXTON: Permission to play,  
7 Your Honor?  
8 JUDGE HOFFMAN: Sure. Go ahead and  
9 play it.  
10 MS. BRAXTON: Was everyone else able  
11 to hear that?  
12 MR. WOODFIELD: Nobody has heard  
13 anything.  
14 JUDGE HOFFMAN: No, I didn't hear  
15 anything.  
16 MS. BRAXTON: Okay. I think I may  
17 have been on mute. I'm so sorry. Let's try that  
18 one more time. I think it was me, Alex.  
19 (Tape played.)  
20 MR. WOODFIELD: We can't hear  
21 anything.  
22 MS. BRAXTON: Okay. Can we --  
23 MS. DUNNE: I have an idea. I think  
24 maybe if you play the recording and share your  
25 screen while you're playing it, like while you're

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2 MR. WOODFIELD: Well, I --  
3 Your Honor, from an evidentiary standpoint, I  
4 think perhaps the way to do it would be for  
5 the -- for USSA to play it and ask him if it  
6 sounds like the recording he made of it, and then  
7 he could -- she could ask if it refreshed his  
8 recollection, but it's still there for the  
9 impeachment purposes for the arbitrator, because  
10 you've heard it as well.  
11 Because if he says that's the  
12 recording he made, you're in the same position,  
13 then we don't need to offer the recording itself.  
14 JUDGE HOFFMAN: Well, I'm fine either  
15 way. There's no question as to authenticity of  
16 the recording, because it's his recording. So he  
17 has made this recording. And so I'll -- I'll  
18 handle it however USSA would like to present this  
19 evidence. It's their evidence of impeachment, so  
20 however you want to handle it is fine with me.  
21 You can stipulate that you've  
22 listened to the recording and it doesn't say what  
23 Mr. Hansen says it said, or you can let me hear  
24 it, or however you want to do it.  
25 MR. WOODFIELD: Well, I'm not going

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1 Hansen v Elon Musk - Arbitration Day 1  
2 playing the MP4, whatever type file it is, I  
3 think that it will come through on the Zoom.  
4 (Technical discussion off the  
5 record.)  
6 MR. WOODFIELD: I can't hear  
7 anything.  
8 JUDGE HOFFMAN: Yeah, I'm not hearing  
9 anything either.  
10 MS. BRAXTON: Okay. Was anyone able  
11 to hear any of that?  
12 JUDGE HOFFMAN: No.  
13 (Technical discussion off the  
14 record.)  
15 MS. BRAXTON: Can we take a few  
16 minutes just so we can figure out this  
17 technology? I'm sure we can try to figure out a  
18 way to make this work.  
19 JUDGE HOFFMAN: Sure. Go ahead.  
20 MS. BRAXTON: You can see it. You  
21 just can't hear it.  
22 (Recess taken, 5:22 p.m. to  
23 5:24 p.m. PDT)  
24 JUDGE HOFFMAN: Let's go back to  
25 where Ms. Braxton is now going to continue her

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2 cross-examination. And --  
3 Let's go on the record now, Deb.  
4 So we are back on the record and  
5 we've had -- I've taken a few minutes to address  
6 some technological issues, and now, Ms. Braxton  
7 is going to play a recording of a telephone  
8 conversation that she has received in discovery.  
9 (Tape played.)  
10 MR. HANSEN: All right. If you can  
11 hear me, I can hear you. Go ahead, my friend.  
12 MR. GERMAN: Okay. Let me preface  
13 this with saying I have to get through a business  
14 piece first and then I have a personal piece at  
15 the end of it. Okay?  
16 Sounds good.  
17 So business, you are effectively  
18 removed via client request from the Tesla site.  
19 I will not go into details of the material. You  
20 are aware and letter has been populated from  
21 Tesla to both yourself and your lawyers. I will  
22 let that take its course. All right?  
23 Moving into the business piece now --  
24 or the personal piece. I'm working with the  
25 region right now to reassign you to another one

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2 not something that you guys can do? I'd have  
3 to --  
4 MR. GERMAN: I don't have it. They  
5 told me it was supposed to be sent to your  
6 representation and that -- well, they didn't  
7 specifically say you, but they said your  
8 representation was sent at 5:00 p.m. Pacific  
9 Time.  
10 MR. HANSEN: Well, today.  
11 MR. GERMAN: Yep.  
12 MR. HANSEN: Okay, buddy. All right.  
13 Well, I damn sure appreciate it.  
14 MR. GERMAN: Not a call I wanted to  
15 make.  
16 MR. HANSEN: No. But like you said,  
17 I mean, I've known who you were from the  
18 beginning, and you've not wavered with your  
19 integrity, and you knew what -- well, maybe you  
20 didn't know the specifics, but you did  
21 acknowledge that you knew something was going on.  
22 And it was before your time, and you stuck in  
23 there to support me, and I appreciate the hell  
24 out of that.  
25 MR. GERMAN: You got it.

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2 of our accounts but keep your rate the same. So  
3 as U.S. Security Associates, we will eat whatever  
4 marginal difference, the contractual pay rates  
5 from your new account and keep you at your  
6 current rate.  
7 MR. HANSEN: Okay. I -- wow, I  
8 appreciate that. Can't ask for more than that as  
9 I need to stay employed. And holy shit.  
10 MR. GERMAN: I'm not going to go into  
11 details on that, but you know who I am and what  
12 I'm about?  
13 MR. HANSEN: Absolutely. Absolutely.  
14 I didn't -- I didn't know any of  
15 this, actually. I mean, I suspected something  
16 was coming down the road, quite honestly. You  
17 know, you heard the piece about Elon Musk coming  
18 through the gate last week.  
19 MR. GERMAN: Oh yeah.  
20 MR. HANSEN: I'm sure -- yeah. Yeah.  
21 Okay.  
22 And I -- I haven't seen the letter.  
23 Do you have the letter? Can you forward that --  
24 MR. GERMAN: No --  
25 MR. HANSEN: -- to me? Or is that

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2 MR. HANSEN: All right, my friend.  
3 MR. GERMAN: All right. So we'll let  
4 the -- we'll let the Tesla piece play out. What  
5 I do need from you is -- this is effective  
6 immediately, so do not go in on your shift  
7 tonight.  
8 MR. HANSEN: Okay.  
9 MR. GERMAN: We do need you to bring  
10 the badge over to the branch office tomorrow, if  
11 you have some time. Obviously Rick is out of  
12 town. I'm not sure if you've had a chance to  
13 meet Scott.  
14 MR. HANSEN: I know Scott, yeah.  
15 MR. GERMAN: Scott is a good dude.  
16 MR. HANSEN: He really is.  
17 MR. GERMAN: I'll let Scott know what  
18 is going on, and if you could do that for me, I  
19 would appreciate it, sir.  
20 MR. HANSEN: Sure can, man. I'll  
21 make that happen tomorrow. I appreciate you.  
22 MR. GERMAN: All right, Karl.  
23 MR. HANSEN: All right, Matt. You  
24 take care, man. We'll talk soon.  
25 Hey, who will let me know about where

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2 I'm going to go, though, actually? Will that be

3 in a couple of days or something?

4 MR. GERMAN: Yeah, this shouldn't be

5 too long. But that will be from Scott. We're

6 working with the region. Last we had planned was

7 we have a new UPS account starting up, and I

8 don't think it starts until the 15th. So I was

9 really hoping to ride this wave at least until

10 then.

11 MR. HANSEN: Yeah.

12 MR. GERMAN: But that clearly didn't

13 happen.

14 MR. HANSEN: Okay.

15 MR. GERMAN: So we may be able to

16 work something out, you know, until that takes

17 off. All right.

18 MR. HANSEN: All right. Well, I'll

19 talk to him tomorrow, get that badge back to him,

20 and I'll wait for further direction and guidance.

21 MR. GERMAN: All right.

22 MR. HANSEN: Thanks, Matt. All

23 right, brother. You take care. Yeah, bye-bye.

24 (Tape ended.)

25 MS. BRAXTON: Are we back on the

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2 would like to not carry him over.

3 JUDGE HOFFMAN: How much more time do

4 you have to do?

5 MS. BRAXTON: I'd definitely say less

6 than an hour. I would probably say 30 to 45.

7 JUDGE HOFFMAN: And then, there will

8 be some redirect?

9 MR. WOODFIELD: Right now I have one

10 question.

11 (Discussion off the record.)

12 JUDGE HOFFMAN: Well, let's -- let's

13 stop, then, because that's the most important

14 thing is to give your record.

15 So we'll pick up tomorrow morning,

16 then, at 9 o'clock and continue this, and then

17 we'll be able to go right into our next witness,

18 so I guess will be Mr. Nocon.

19 MR. ROBERTSON: Correct, Your Honor,

20 he's standing by. We'll give him an update and

21 let him know that given what we've just heard,

22 have him ready about -- we're going to start at

23 9:00. We'll have him ready at about 10:00,

24 West Coast.

25 Yeah, that will work.

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2 record?

3 JUDGE HOFFMAN: Yes. Well, we have

4 been on the record, yeah.

5 MS. BRAXTON: Sorry, my apologies. I

6 had my volume on low. We are back on the record;

7 correct?

8 JUDGE HOFFMAN: We are on the record

9 and the recording was recorded.

10 MS. BRAXTON: Okay. Perfect.

11 BY MS. BRAXTON:

12 Q. So, Mr. Hansen, that's the call you

13 were referencing where Mr. German informed you of

14 the removal; is that correct?

15 A. That is, yes.

16 MS. BRAXTON: Okay. And so I do --

17 for everyone who is on the East Coast, I do have

18 a next line of questioning, but I do want to at

19 least be considerate. It's 5:30 here. I know

20 it's probably 8:30, if I can do my math

21 correctly, where you are. Everyone have any

22 thoughts or opinions? I think this is a good

23 breaking point.

24 MR. WOODFIELD: I think we're going

25 to have to finish with the witness tonight. I

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2 JUDGE HOFFMAN: Okay. Okay. Good.

3 Mr. Hansen, bearing this break, you

4 are advised not to discuss your testimony with

5 anybody. All right?

6 THE WITNESS: Yes, Your Honor, I

7 understand.

8 JUDGE HOFFMAN: Okay. Thank you.

9 Then we are off the record. And I'll see you all

10 tomorrow at 9:00 a.m.

11 (Time noted: 5:32 p.m. PDT)

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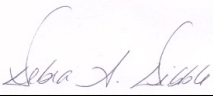
C E R T I F I C A T E

I, DEBRA A. DIBBLE, RDR, CRR, Notary Public, do hereby certify:

That the witnesses hereinbefore set forth were duly sworn by me and that such transcript is a true record of the testimony given;

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand on 4-11-2022.



DEBRA A. DIBBLE, RDR, CRR, CRC  
NOTARY PUBLIC

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JUDICIAL ARBITRATION AND MEDIATION SERVICES  
(JAMS)

1	KARL HANSEN,	)	
2		)	
3	Complainant,	)	JAMS REFERENCE NO.
4		)	1260005897
5	v.	)	
6	ELON MUSK; TESLA, INC., TESLA	)	
7	MOTORS, INC.; and U.S.	)	
8	SECURITY ASSOCIATES,	)	
9	Respondents.	)	
10	_____	)	

\*REVISED\*

EVIDENTIARY HEARING

TUESDAY, APRIL 12, 2022

VOLUME 2

On Tuesday, April 12, 2022, the  
following proceedings came on to be heard in the  
above-entitled and -numbered cause before  
Judge Carl (Bill) Hoffman (Ret.).

Job#: 208975

Proceedings were reported by stenographic method  
by: DEBRA A. DIBBLE, RDR, CRR, CRC

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2

3 ARBITRATOR:

4 Judge Carl (Bill) W. Hoffman (Ret.)

5

6 FOR THE CLAIMANT:

7 THE EMPLOYMENT LAW GROUP

8 BY: NICHOLAS WOODFIELD, ESQ.

9 R. SCOTT OSWALD, ESQ.

10 888 17th Street, NW

11 Washington, DC 20006

12

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19 Boston, Massachusetts 02210

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21 Counsel for Elon Musk; Tesla, Inc.; and

22 Tesla Motors, Inc.

23

24

25

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2 -----

3 P R O C E E D I N G S

4 April 12, 2022, 9:04 a.m. PDT

5 -----

6 JUDGE HOFFMAN: We're beginning Day 2

7 of our case of Hansen versus Tesla and USSA, and

8 Mr. Karl Hansen is on the witness stand, subject

9 to cross-examination by USSA.

10 And, Mr. Hansen, you are reminded

11 that you are still under oath.

12 THE WITNESS: Yes, Your Honor.

13 MR. ROBERTSON: Your Honor, one point

14 of procedure, and this can be on the record.

15 We noticed when we went back to the

16 transcript that both sides referenced

17 Exhibit 205. But it looks like neither Nick nor

18 I moved it in, so we'd like to add that to the

19 list.

20 MR. WOODFIELD: No objection,

21 Your Honor.

22 JUDGE HOFFMAN: Okay. 205 is in.

23 MR. ROBERTSON: Thank you.

24 JUDGE HOFFMAN: Ms. Braxton.

25 (Whereupon, Exhibit 205 was

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2 MARTENSON HASBROUCK & SIMON

3 BY: JANINE BRAXTON, ESQUIRE

4 ALEX SMITH, ESQ.

5 ROBIN LARGENT, ESQ.

6 455 Capitol Mall

7 Sacramento, California 95814

8

9 Counsel for U.S. Security Associates

10

11 ALSO PRESENT:

12 Karl Hansen

13 Stephanie Stroup

14 Tesla in-house counsel

15

16 Jaime Bodiford

17 Tesla in-house counsel

18 Lisa Flegenheimer

19 Tesla paralegal

20

21

22

23

24

25

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2 received.)

3 MS. BRAXTON: Thank you.

4 -----

5 EXAMINATION

6 -----

7 BY MS. BRAXTON:

8 Q. So, Mr. Hansen, yesterday you

9 testified that no one had told you to stop the

10 investigations -- your investigation work that

11 you were doing for Tesla.

12 Do you recall that -- saying that

13 yesterday?

14 A. I don't recall specifically, but

15 that's a pretty accurate statement.

16 Q. Sure. So it's your testimony that

17 essentially when you were conducting the

18 investigations for Tesla, no one told you to stop

19 the investigative work that you were doing?

20 A. That's correct, yes, ma'am.

21 Q. I would like to enter or I'd like to

22 show you a joint Exhibit No. 10.

23 MS. BRAXTON: And Alex will pull that

24 up.

25 JUDGE HOFFMAN: Okay, I'm there.

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2 BY MS. BRAXTON:

3 Q. And, Mr. Hansen, do you recognize

4 this as a text exchange between you and

5 Mr. Sprott?

6 A. Yes, I do. And we discussed that

7 yesterday. Yes.

8 Q. Thank you.

9 And now I would like to show you

10 joint Exhibit No. 212.

11 MS. BRAXTON: Oh, I'd like to move

12 joint Exhibit 10 into evidence.

13 JUDGE HOFFMAN: There being no

14 objection, 10 is in.

15 (Whereupon, Exhibit 10 was received.)

16 BY MS. BRAXTON:

17 Q. And, Mr. Hansen, do you recognize

18 this document?

19 A. Yes.

20 Q. I'd like to direct your attention to

21 the last verification page.

22 MS. BRAXTON: We'll scroll down to

23 that. I think it's loading. We're just trying

24 to scroll down to the verification. Give us a

25 second.

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2 recognize this as your signature dated

3 November 16, 2021?

4 A. Yes.

5 Q. And is it true that at the time you

6 signed this, you reviewed these responses and

7 they were true and accurate to your knowledge?

8 A. Yes.

9 Q. Okay. Thank you.

10 A. You're welcome.

11 MS. BRAXTON: And thank you, Nick.

12 MR. WOODFIELD: No problem.

13 MS. BRAXTON: And I'd like to move

14 Exhibit No. 212 into evidence.

15 MR. ROBERTSON: No objection.

16 JUDGE HOFFMAN: 212 is in.

17 (Whereupon, Exhibit No. 212 was

18 received.)

19 BY MS. BRAXTON:

20 Q. And, Mr. Hansen, also yesterday you

21 testified about the small period of time after

22 you worked at the Gigafactory and the time before

23 you started working at your next assignment as a

24 USSA employee at Verdi, California [sic].

25 And I want to walk you through some

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2 Okay. I think Alex's computer just

3 froze, so this exhibit is probably not going to

4 move. Let us see if we can -- someone else can

5 put up 212. Give us a second here.

6 MR. WOODFIELD: If you let me share,

7 I can pull it up for you.

8 MS. BRAXTON: The person who has our

9 tech, her computer totally died. She's logging

10 off and coming back in. In the meantime, 212,

11 obviously this is a copy of discovery responses

12 from Mr. Hansen.

13 MR. WOODFIELD: Janine, if you want,

14 share with me and I'll put it up for you.

15 MS. BRAXTON: And share with you?

16 MR. WOODFIELD: I can do it now.

17 Hold on one second.

18 What page do you need?

19 MS. BRAXTON: Just the verification

20 page.

21 MR. WOODFIELD: Okay.

22 MS. BRAXTON: Thanks, Nick.

23 MR. WOODFIELD: No problem.

24 BY MS. BRAXTON:

25 Q. All right. Mr. Hansen, do you

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2 of the e-mail exchanges that you had with an

3 individual named Scott Wiebke at the time -- do

4 you recall exchanging e-mails with Mr. Wiebke

5 after your reassignment -- or excuse me, after

6 your removal from the Gigafactory?

7 A. Yes.

8 Q. And do you recall telling him that

9 you were traveling with your kids and would not

10 be available for a meeting until on or around

11 October 3rd?

12 A. I believe that's accurate, yes.

13 Q. And is it true that the first time

14 you were available for a meeting with Mr. Wiebke

15 was on or around October 3rd, after your removal

16 from the Gigafactory?

17 A. I believe that's accurate. I think

18 that is in those e-mails.

19 Q. And I do want to show you those

20 e-mails. I'm just not sure our tech is ready

21 yet.

22 MR. WOODFIELD: Just tell me and I

23 can do it.

24 MS. BRAXTON: It's joint Exhibit

25 No. 198.

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2 MR. WOODFIELD: Hold on one second.

3 Okay. Hold on.

4 JUDGE HOFFMAN: What was the exhibit

5 number again, please?

6 MS. BRAXTON: 198.

7 JUDGE HOFFMAN: Thank you.

8 BY MS. BRAXTON:

9 Q. And, Mr. Hansen, do you recognize

10 this as the text exchange -- excuse me, the

11 e-mail exchange you had with Mr. Wiebke about the

12 meeting on or around -- it looks like -- yeah,

13 October 3, 2018?

14 A. Yes.

15 MS. BRAXTON: And if we can scroll

16 down just a little bit to the e-mail there on

17 September 24th. Hi, Scott.

18 BY MS. BRAXTON:

19 Q. The e-mail on September 24, 2018

20 appears to be an e-mail from you to Mr. Wiebke.

21 Is this the e-mail where you tell Mr. Wiebke that

22 you're still out of town visiting with your kids

23 and you won't be in Reno until the 1st?

24 A. It appears to be, yes.

25 Q. Okay. Thank you.

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2 BY MS. BRAXTON:

3 Q. And, Mr. Hansen, do you recall

4 reviewing the responses to -- these responses

5 when they were provided and served by your

6 counsel?

7 A. Yes.

8 Q. Is it your testimony that when you

9 responded to the request for documents from

10 U.S. Security Associates, that you produced all

11 of the responsive documents that you had in your

12 possession?

13 A. Yes.

14 MS. BRAXTON: And I'd like to move to

15 admit Exhibit 213 into evidence.

16 MR. WOODFIELD: No objection.

17 JUDGE HOFFMAN: 213 is in.

18 (Whereupon, Exhibit 213 was

19 received.)

20 MS. BRAXTON: And, so I think I'm

21 pretty close to done with my questions. If you

22 could give me just like five minutes, I might be

23 entirely done.

24 Just want to -- can we go off the

25 record for five minutes? And I'm probably done,

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2 MS. BRAXTON: I don't have any

3 additional questions about Exhibit No. 198. I'd

4 like to move to submit that into evidence.

5 MR. WOODFIELD: No objection.

6 JUDGE HOFFMAN: 198 is in.

7 (Whereupon, Exhibit 198 was

8 received.)

9 MS. BRAXTON: And my final exhibit

10 here is joint Exhibit No. 213.

11 Nick, if you would be so kind. I

12 really do appreciate this.

13 MR. WOODFIELD: It's no problem.

14 BY MS. BRAXTON:

15 Q. And, Mr. Hansen, do you recognize

16 this document?

17 A. Yes, ma'am, I do.

18 MS. BRAXTON: And can we scroll down

19 to the verification page.

20 Maybe there's not a verification

21 page. Is that what I'm seeing?

22 MR. WOODFIELD: These are RFPs, so

23 there's not a verification page on the RFPs.

24 There are on the irogs.

25 \* \* \*

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2 but I want to be certain that I'm done before I

3 say that.

4 JUDGE HOFFMAN: We're off the record.

5 MS. BRAXTON: Thank you.

6 (Recess taken, 9:19 a.m. to

7 9:23 a.m. PDT)

8 JUDGE HOFFMAN: We're back on the

9 record.

10 MS. BRAXTON: I have no further

11 questions for Mr. Hansen.

12 JUDGE HOFFMAN: Okay. Redirect from

13 Mr. Woodfield.

14 MR. WOODFIELD: Yes. Thank you.

15 -----

16 EXAMINATION

17 -----

18 BY MR. WOODFIELD:

19 Q. All right. Mr. Hansen, if you will

20 recall, Ms. Braxton asked you some questions

21 about conversations you had with Mr. German about

22 what empathy Mr. German might have expressed with

23 you about your situation at Tesla.

24 Do you recall that?

25 A. I do, yes.

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2 Q. And Ms. Braxton played a recording

3 for you where you -- where it was the telephone

4 conversation that you had recorded where you were

5 being terminated.

6 Do you recall that?

7 A. Yes, sir.

8 Q. Do you recall a conversation that you

9 had with Mr. German previously, where you had

10 also discussed with him the August 3rd e-mail you

11 had sent?

12 A. Yes, Mr. German and I had several

13 conversations and that topic did come up, yes.

14 Q. At that point, did he tell you that

15 he thought you would be removed?

16 A. I don't recall; but that comment came

17 from Rick McLellan, and Mr. German did

18 indicate -- I guess the answer is yes, actually.

19 Yes, he did express concern. The pressure being

20 placed on him and USSA by Jeff Jones might

21 ultimately lead to that, and I was told that I

22 could be asked to leave.

23 Q. All right.

24 MR. WOODFIELD: Your Honor, I'd like

25 to rehabilitate the witness with this video clip,

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2 recollection.

3 JUDGE HOFFMAN: So what is the

4 evidence that you have that you want to present?

5 MR. WOODFIELD: It is the recording

6 of Mr. German expressing that he believed that

7 Mr. -- that Mr. Hansen was going to be removed as

8 the result of his having articulated concerns in

9 his August 3rd e-mail, and that he was going to

10 be removed from his position at the Gigafactory.

11 MS. LARGENT: Your Honor, on behalf

12 of USSA, we don't think this is appropriate,

13 because --

14 MR. WOODFIELD: There should be one

15 attorney on each side, Your Honor.

16 JUDGE HOFFMAN: Well, I want to

17 hear -- I want to hear USSA's argument. You're

18 right, Mr. Woodfield, I don't want them to gang

19 up on you, but I'm interested -- this is kind of

20 a unique situation. I'd like to hear from USSA.

21 It seems to me that there has been

22 some surprise impeachment evidence that was

23 played by USSA, and now you have something else

24 that you want to play. It's an important

25 question, and Mr. German is going to be

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2 because this is the clip that I believe the

3 witness was referring to.

4 MS. BRAXTON: Objection, Your Honor.

5 It wasn't on the witness list and it's not for

6 impeachment.

7 MR. WOODFIELD: Your Honor --

8 MS. BRAXTON: And --

9 MR. WOODFIELD: I'm sorry. The

10 impeachment was not on the witness list. And to

11 rehabilitate, you cannot -- countering the

12 argument that you cannot rehabilitate with

13 information that is not on the witness -- on the

14 exhibit list with impeachment information are --

15 cannot rehabilitate impeachment.

16 Scratch -- forgive me.

17 The argument of USSA is that we

18 cannot use materials that are not on the exhibit

19 list when they have used materials that are not

20 on the exhibit list to impeach, and that is

21 illogical on its face because we did not know

22 that they were going to impeach with materials

23 outside. But I am allowed to both rehabilitate

24 him with items off the witness -- or the exhibit

25 list and I'm also allowed to refresh his

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2 testifying soon anyway. I tend to want to hear

3 it, but I -- you're saying it's a recording. How

4 long is the recording?

5 MR. WOODFIELD: The recording in

6 total is four minutes and 50 seconds, but it's at

7 one minute and fifteen -- or it's at -- the point

8 that I have is at one minute and 15 seconds in.

9 I can play it for about 30 seconds if you want to

10 hear the limited portion, or I can play the

11 entire four minutes and 50 seconds of the

12 recording.

13 JUDGE HOFFMAN: When was the

14 recording made?

15 MR. WOODFIELD: Shortly after

16 August 3rd. There's no date stamped on the

17 recording.

18 MS. LARGENT: Right. Your Honor, I

19 go I don't think this is appropriate, that

20 Mr. Woodfield is testifying to something he

21 doesn't have personal knowledge of here as to the

22 date a recording was made, when none of us know

23 this.

24 And secondly, you know, you don't

25 have to identify impeachment evidence that you



<p style="text-align: right;">Page 323</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 may use in the exhibit list. That's the whole</p> <p>3 reason for impeachment evidence. USSA didn't</p> <p>4 know that Mr. Hansen -- this is the first time</p> <p>5 we've heard him say that USSA's knowledge of the</p> <p>6 SEC complaint was in some call that he recorded</p> <p>7 or that he told him this, that he knew about it</p> <p>8 when he called to tell Mr. Hansen that Tesla was</p> <p>9 demanding his removal.</p> <p>10 This is the first we ever heard about</p> <p>11 it. We knew it wasn't true. We had no intention</p> <p>12 of using any recordings, because frankly,</p> <p>13 Your Honor, they were completely illegal. It's</p> <p>14 undisputed that this was done without</p> <p>15 Mr. German's consent, and we didn't find them to</p> <p>16 be appropriate evidence. The only reason we used</p> <p>17 it is because we knew that Mr. Hansen was saying</p> <p>18 something that categorically didn't happen.</p> <p>19 What Mr. Woodfield is trying to do is</p> <p>20 essentially, on his redirect, use a different</p> <p>21 recording that his client did for direct</p> <p>22 evidence. You can't do that because it wasn't on</p> <p>23 his witness list.</p> <p>24 It's not rehabilitation. It's about</p> <p>25 a different conversation on a different subject.</p>	<p style="text-align: right;">Page 324</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 And he can't impeach your own witness, so it</p> <p>3 should have been disclosed if Mr. Woodfield</p> <p>4 wanted to use these recordings affirmatively.</p> <p>5 Right now, he's trying to use a</p> <p>6 different recording of a different conversation</p> <p>7 that was illegally obtained to support something</p> <p>8 his client is already saying happened. It's not</p> <p>9 even to contradict his client. He wants to use</p> <p>10 it to further his client's testimony on redirect</p> <p>11 examination.</p> <p>12 For those reasons, we think it's</p> <p>13 totally inappropriate and outside of the rules.</p> <p>14 JUDGE HOFFMAN: I tend to agree with</p> <p>15 you, Ms. Largent.</p> <p>16 When Mr. German testifies, will that</p> <p>17 document or that recording then be available to</p> <p>18 impeach Mr. German?</p> <p>19 MR. WOODFIELD: Certainly,</p> <p>20 Your Honor.</p> <p>21 JUDGE HOFFMAN: I'm sorry?</p> <p>22 MR. WOODFIELD: It will be indeed,</p> <p>23 Your Honor.</p> <p>24 JUDGE HOFFMAN: Is that -- does that</p> <p>25 make any difference? I mean, we can -- it seems</p>
<p style="text-align: right;">Page 325</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 to me if Mr. German is going to be impeached on</p> <p>3 this question with this evidence anyway, and</p> <p>4 we've already used these illegal recordings for</p> <p>5 that purpose, then it's a goose and gander, isn't</p> <p>6 it?</p> <p>7 MS. LARGENT: Well, Your Honor, I</p> <p>8 think this is a little bit premature. You know,</p> <p>9 we're not in Mr. German's testimony, and</p> <p>10 Mr. Woodfield isn't trying to use a recording to</p> <p>11 impeach Mr. German. I don't know, and no one on</p> <p>12 this recording knows whether Mr. German is going</p> <p>13 to say something inconsistent with any of these</p> <p>14 recordings in order for them to be used to</p> <p>15 impeach him in the first place.</p> <p>16 I think we cross that bridge when we</p> <p>17 get to it. But I'm not sitting here trying to</p> <p>18 tell you or Mr. Woodfield that we're going to try</p> <p>19 to use an illegal recording affirmatively against</p> <p>20 Mr. Hansen, but then object that it was recorded</p> <p>21 illegally if he tries to use it to impeach our</p> <p>22 witness.</p> <p>23 I'm not telling you that. I'm just</p> <p>24 saying that Mr. Woodfield's attempt to use this</p> <p>25 on direct essentially of his client is</p>	<p style="text-align: right;">Page 326</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 inappropriate.</p> <p>3 JUDGE HOFFMAN: All right. I think</p> <p>4 I'm going to sustain USSA's objection at this</p> <p>5 point. Not allow that evidence to be used to</p> <p>6 bolster or to rehabilitate Mr. Hansen's</p> <p>7 testimony, understanding that if it comes up in</p> <p>8 the future, we'll take it up again.</p> <p>9 MR. WOODFIELD: Thank you,</p> <p>10 Your Honor.</p> <p>11 MS. LARGENT: Thank you.</p> <p>12 MR. WOODFIELD: I would like to know</p> <p>13 who the lawyer is on the other side for the rest</p> <p>14 of this cross, though.</p> <p>15 JUDGE HOFFMAN: Well, I appreciate</p> <p>16 your concern, and normally it would only be one</p> <p>17 lawyer. And I agree with you, Mr. Woodfield.</p> <p>18 And so I'll ask counsel, as you're deciding who</p> <p>19 is going to take the roles, to make that</p> <p>20 decision. I don't think it's fair to team up on</p> <p>21 the other side.</p> <p>22 MR. WOODFIELD: All right.</p> <p>23 BY MR. WOODFIELD:</p> <p>24 Q. Now, Mr. Hansen, did you record every</p> <p>25 conversation you had with Mr. German?</p>

<p style="text-align: right;">Page 327</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 A. No, sir, I did not.</p> <p>3 Q. And did you discuss with Mr. German</p> <p>4 the fact that you had filed an SEC TCR?</p> <p>5 A. Mr. German was aware, yes.</p> <p>6 Q. And, in fact, did you discuss that in</p> <p>7 your direct testimony?</p> <p>8 A. I believe I did, yes.</p> <p>9 Q. And what, if anything, did you report</p> <p>10 in your direct testimony about any empathy that</p> <p>11 he expressed toward you?</p> <p>12 A. Mr. German expressed empathy because</p> <p>13 he -- he empathized with my situation. He</p> <p>14 expressed his concerns as well that the influence</p> <p>15 he was receiving and the directions and the</p> <p>16 pressure from Jeff Jones to interfere with my</p> <p>17 positions was something that he didn't -- he</p> <p>18 didn't know why. He couldn't answer why this was</p> <p>19 happening. He felt that there were some things</p> <p>20 going on that Jeff Jones and Tesla weren't being</p> <p>21 forthcoming with him about regarding their</p> <p>22 rationales and their reasons moving forward with</p> <p>23 Mr. German as related to my positions.</p> <p>24 Q. And -- give me one second.</p> <p>25 Did he in fact tell you that he did</p>	<p style="text-align: right;">Page 328</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 not want to put up with the BS that Tesla was</p> <p>3 putting forward?</p> <p>4 A. Yes, he did.</p> <p>5 Q. And was that set forth in the text</p> <p>6 that Ms. Braxton showed you?</p> <p>7 A. Yes, it was.</p> <p>8 MR. WOODFIELD: I have no further</p> <p>9 questions for this witness.</p> <p>10 JUDGE HOFFMAN: Okay. Circling back,</p> <p>11 then, to Tesla. Tesla has the first right to</p> <p>12 continue its cross-examination within the scope</p> <p>13 of the redirect.</p> <p>14 Mr. Robertson, do you have any</p> <p>15 additional questions?</p> <p>16 MR. ROBERTSON: I do, oddly, even</p> <p>17 though Nick only asked two questions.</p> <p>18 -----</p> <p>19 EXAMINATION</p> <p>20 -----</p> <p>21 BY MR. ROBERTSON:</p> <p>22 Q. So, Mr. Hansen, you spent a lot of</p> <p>23 time talking about Jeff Jones and what you heard</p> <p>24 Jeff Jones had said through other people. Did</p> <p>25 you ever in August -- can you recall one</p>
<p style="text-align: right;">Page 329</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 conversation that you had directly with</p> <p>3 Jeff Jones at any point in August of 2018?</p> <p>4 A. No, sir.</p> <p>5 MR. ROBERTSON: And my only other</p> <p>6 question for you -- and maybe it's more for</p> <p>7 Nick -- is since USSA put in the interrogatory</p> <p>8 responses, Nick, I would like to move the</p> <p>9 interrogatory responses to our interrogatories</p> <p>10 into evidence. I wasn't aware whether we needed</p> <p>11 to do that through the witness or not.</p> <p>12 Do you have any objection if we put</p> <p>13 in 211?</p> <p>14 MR. WOODFIELD: No, I'm happy to</p> <p>15 jointly offer 211.</p> <p>16 MR. ROBERTSON: Okay.</p> <p>17 JUDGE HOFFMAN: All right. So 211 is</p> <p>18 in.</p> <p>19 (Whereupon, Exhibit 211 was</p> <p>20 received.)</p> <p>21 MR. ROBERTSON: Yeah, I have nothing</p> <p>22 further. Thank you.</p> <p>23 JUDGE HOFFMAN: And then</p> <p>24 cross-examination by USSA.</p> <p>25 MS. BRAXTON: No questions.</p>	<p style="text-align: right;">Page 330</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 JUDGE HOFFMAN: I have no questions,</p> <p>3 Mr. Hansen. Thank you for your testimony. You</p> <p>4 can stand down. Of course, you're going to</p> <p>5 remain as the client in this case.</p> <p>6 THE WITNESS: Thank you, Your Honor.</p> <p>7 JUDGE HOFFMAN: All right.</p> <p>8 Mr. Woodfield, do you have another</p> <p>9 witness?</p> <p>10 MR. WOODFIELD: Yes. At this time</p> <p>11 we'd like to call Jacob Nocon.</p> <p>12 MR. ROBERTSON: All right. So let</p> <p>13 us -- if we can take five. Mr. Nocon is standing</p> <p>14 by, but we'll have him join and go into the</p> <p>15 waiting room.</p> <p>16 JUDGE HOFFMAN: Okay. We're off the</p> <p>17 record.</p> <p>18 MR. ROBERTSON: Thank you.</p> <p>19 (Recess taken, 9:38 a.m. to</p> <p>20 9:44 a.m. PDT)</p> <p>21 JUDGE HOFFMAN: All right. We have a</p> <p>22 quorum here.</p> <p>23 Mr. Nocon, my name is Judge Hoffman.</p> <p>24 I am the arbitrator in this case. And so,</p> <p>25 Mr. Nocon, you've been called as a witness by</p>

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2 Mr. Woodfield in this case. I'm going to ask the

3 court reporter to swear you in at this time.

4 MR. ROBERTSON: And just for the

5 record, Your Honor, Ms. Dunne will be handling

6 Mr. Nocon's testimony today.

7 JUDGE HOFFMAN: Thank you.

8 -----

9 JACOB DONNELLY NOCON,

10 having been duly sworn,

11 testified as follows:

12 -----

13 EXAMINATION

14 -----

15 BY MR. WOODFIELD:

16 Q. Mr. Nocon, could I get you to state

17 your full name for the record, please?

18 A. Yes. It's Jacob Donnelly Nocon.

19 Q. And you testified previously in this

20 matter in your individual capacity and as the

21 corporate representative for Tesla; correct?

22 A. Yes, that's correct.

23 Q. And you're testifying today in your

24 personal capacity and as a corporate

25 representative for Tesla; correct?

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2 located?

3 A. Since starting at Tesla, I have

4 worked remotely out of San Diego. I've got

5 employees that are employed globally, so I manage

6 pretty much everybody remotely.

7 Q. And who was your supervisor in July

8 of 2018?

9 A. In 2018, my manager was Nick Gicinto.

10 Q. And what was Mr. Gicinto's title at

11 the time?

12 A. I believe his title was senior

13 manager, Global Security Response.

14 Q. And what is your title now?

15 A. Currently, my job title is senior

16 manager of security intelligence and security

17 engineering.

18 Q. And in terms of what -- how --

19 forgive me.

20 For how long did Mr. Gicinto remain

21 your supervisor?

22 A. I don't remember the exact date that

23 Nick resigned his position. I believe it was in

24 April of 2019.

25 Q. Through April of 2019 he was your

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2 A. Yes, that's correct as well.

3 Q. And by whom are you currently

4 employed?

5 A. I'm currently employed by Tesla.

6 Q. And that's Tesla, Inc.?

7 A. Yes, sir.

8 Q. And when were you first hired by

9 Tesla?

10 A. My official hire date from -- with

11 Tesla is July 23, 2018.

12 Q. And what were you hired to do at

13 Tesla?

14 A. I was initially hired by Tesla to

15 build and manage an investigations team that

16 focused on protection of intellectual property,

17 trade secrets.

18 Q. And what was that group called?

19 A. In 2018, the name of the team was

20 Global Security Response.

21 Q. And did you have a particular title

22 at that time?

23 A. I believe that my title was manager

24 of investigations for Global Security Response.

25 Q. And where was your job physically

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2 supervisor, though?

3 A. Yes, to the best of my recollection.

4 Q. And one of the topics you testified

5 on as the corporate representative was Tesla's

6 policies and guidelines concerning retaliation in

7 violation of the Dodd-Frank Act; correct?

8 A. Yes, that's correct.

9 Q. And in terms of the policies, Tesla

10 employees are protected against retaliation for

11 providing good-faith complaints of concerns that

12 they think are violations of the Dodd-Frank or

13 Sarbanes-Oxley Acts; is that correct?

14 A. I'm sorry, that was a long question.

15 Would you mind repeating that?

16 Q. Yes. If someone comes forward and

17 they think that in good faith that they are

18 reporting a violation of Dodd-Frank or

19 Sarbanes-Oxley, they are protected against

20 retaliation; is that correct?

21 A. Correct. My understanding is anybody

22 who comes forward with any type of complaint

23 either about management or the company's

24 activities, you know, is protected.

25 Q. And do you know if, under Dodd-Frank,

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2 if someone who is a whistleblower can legally

3 take documents and provide them to the SEC even

4 though they may be confidential documents at

5 work?

6 MS. DUNNE: Objection.

7 MS. BRAXTON: Objection as well.

8 JUDGE HOFFMAN: What's the objection?

9 MS. DUNNE: Calls for a legal

10 conclusion.

11 JUDGE HOFFMAN: Okay. So the

12 question is: Is this witness competent to

13 testify about that?

14 Maybe a little bit more foundation,

15 Mr. Woodfield, on this witness's competency.

16 MR. WOODFIELD: Yes.

17 BY MR. WOODFIELD:

18 Q. Are document -- are witnesses allowed

19 to give documents to the SEC in support of

20 complaints of Dodd-Frank violations?

21 A. I'm sorry, was that question directed

22 at me?

23 Q. Yes, sir.

24 A. I don't know the answer to that

25 question. I'd have to consult with counsel.

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2 manager of the video investigations team at the

3 Gigafactory, Nevada. But at the time that I was

4 interacting with Mr. Gouthro, he was in a -- I

5 believe a temporary role, managing most of

6 security for Gigafactory, Nevada.

7 Q. And what was it that Mr. Gouthro was

8 reaching out to you about when he spoke to you

9 about Mr. Hansen in 2018?

10 A. Mr. Gouthro contacted me, I believe

11 it was through Nick Gicinto, saying that one of

12 his, I guess, employees had some information that

13 they thought, you know, needed further

14 investigation.

15 So I believe that Sean provided me a

16 report that Mr. Hansen had generated.

17 Q. I'm going to show you now what I'm

18 marking -- or has already been entered into

19 evidence as joint Exhibit 209.

20 And this is a text that Mr. Hansen

21 sent to you on June 28, 2018.

22 Do you remember sending texts with

23 Mr. Hansen in 2018, in June?

24 A. Yes. I mean, I recall receiving this

25 text from him and responding to it.

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2 Q. And you are the corporate

3 representative on that issue for Tesla in this

4 matter; correct?

5 A. I am the corporate representative for

6 Tesla in this matter. I don't know if I can

7 speak to that particular question.

8 Q. Does Tesla or Tesla Motors provide

9 training on Dodd-Frank nonretaliation to

10 employees?

11 A. We do provide training on

12 nonretaliation. I don't know if that speaks

13 specifically to Dodd-Frank.

14 Q. And so in terms of what might be --

15 scratch that.

16 In 2018, did you come to know of an

17 individual named Karl Hansen?

18 A. Yes, I did.

19 Q. And how did you come to know of

20 Karl Hansen's name?

21 A. I believe Mr. Hansen was introduced

22 to me by Sean Gouthro back in 2018.

23 Q. And what was Mr. Gouthro's job in

24 2018?

25 A. I believe that his actual job was as

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2 Q. Do you recall what he was reporting

3 to you in June of 2018?

4 A. The main subject that I recall him

5 discussing with us was potential narcotics

6 trafficking allegations that he had been looking

7 into.

8 Q. And was that something that he was

9 supposed to be looking into in his job duties and

10 responsibilities at Tesla?

11 A. I don't know what his guidance had

12 been -- or I don't know what guidance he had

13 received from Sean Gouthro.

14 Q. And what was Mr. Gouthro telling you

15 about narcotics trafficking activity?

16 A. To the best of my recollection, he

17 stated that there were -- there was a source who

18 provided information stating that narcotics were

19 being moved on semitrailers coming up from

20 Mexico, going through the Gigafactory, Nevada.

21 Q. And is that something that Tesla as a

22 corporate entity would want to know about?

23 A. I would assume so.

24 Q. Why?

25 A. Well, I don't think any business

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2 would want criminal activity happening on their

3 premises.

4 Q. And it would reflect badly if that

5 was happening; correct? It would reflect badly

6 on the organization?

7 A. Yes, I think it would reflect badly

8 on any organization if there was criminal

9 activity afoot within their business.

10 Q. It's something that Tesla would

11 certainly want to stop if that was the case;

12 correct?

13 A. If that was the case, yes.

14 Q. And did Mr. Gouthro offer any opinion

15 on the subject matter that Mr. Hansen was

16 reporting on, on whether he thought it was

17 legitimate or far-fetched or anything like that?

18 A. I don't recall Mr. Gouthro having an

19 opinion one way or the other.

20 Q. And at the same time that Mr. Hansen

21 was reporting this information about narcotics

22 trafficking activity at the Gigafactory, were you

23 aware of anyone else who was reporting that there

24 might be narcotics trafficking at the Gigafactory

25 in Reno, Nevada in 2018?

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2 would have fallen to the investigations team

3 within global security investigations.

4 Q. Was anyone other than Mr. Hansen

5 raising concerns about possible infiltration by

6 organized crime cartels and crime syndicates in

7 the Gigafactory other than Mr. Hansen?

8 A. I'm sorry, is your question was

9 anybody else raising questions about -- or --

10 Could you repeat the question,

11 please?

12 Q. Yes.

13 Was anyone other than Mr. Hansen

14 raising concerns about possible infiltration by

15 cartels or organized crime syndicates in the

16 Gigafactory?

17 A. Not that I'm aware of.

18 Q. Had anyone at Tesla offered any

19 commentary on the concerns being raised by

20 Mr. Hansen in June or July about cartel activity,

21 about whether they thought it was a credible

22 allegation being raised by Mr. Hansen or not?

23 A. I provided commentary back to

24 Mr. Gouthro. After I received the initial report

25 from Mr. Hansen, I had the employer who I was

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2 A. I don't believe so, no.

3 Q. Was Mr. Hansen, in June of 2018, also

4 raising concerns about copper thefts and thefts

5 of other materials?

6 A. In my personal capacity, I don't

7 believe I was aware of that.

8 As the company representative, yeah,

9 my understanding is that he was raising those

10 concerns as well.

11 Q. And in June of 2018, were you and

12 Mr. Gicinto conducting an extensive amount of

13 work into the issue of thefts at the Gigafactory?

14 A. No, we were not.

15 Q. During that time, did you hear

16 allegations of copper thefts?

17 A. Yes, I had heard of allegations of

18 copper thefts at the Gigafactory, but that was

19 not -- neither mine nor Mr. Gicinto's area of

20 responsibility.

21 Q. Was it Mr. Gouthro's?

22 A. As somebody who was leading security

23 at Gigafactory, Nevada, yeah, I would assume that

24 that would fall partially -- at least partially

25 within his purview. I think more accurately it

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2 working with at the time, Nisos, conduct some

3 criminal background checks on the individuals who

4 were named in that report.

5 The response that we got back from

6 those criminal background checks was that none of

7 the individuals had any remarkable criminal

8 history, which, given my experience in conducting

9 high-level narcotics investigations as a criminal

10 investigator with the U.S. government, struck me

11 as odd, that somebody would have no criminal

12 record.

13 And when I directed -- or what I

14 commented back to Mr. Gouthro at the time was, it

15 looks like this information would need to be

16 developed further. And I provided a couple of

17 suggestions on things that they might be able to

18 do. But I said that it seemed like

19 underdeveloped information at the time.

20 Q. Did you ever form the opinion that

21 Mr. Hansen was raising any of these allegations

22 or concerns in bad faith?

23 A. I can't say that I thought about that

24 one way or the other.

25 Q. So you never formed that opinion?



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2 A. That it was in bad faith?

3 Q. Yes, sir.

4 A. No.

5 Q. Did you ever form the opinion that he

6 was raising the opinions and part of the concerns

7 other than in good faith?

8 A. No, I really hadn't formed an opinion

9 one way or the other. I took it as a report,

10 gave my assessment on it, and then provided it

11 back and said that I'd be happy to assist in any

12 way that I could.

13 Q. Let me show you joint Exhibit

14 No. 219.

15 JUDGE HOFFMAN: What was the number

16 again, please?

17 MR. WOODFIELD: 219.

18 JUDGE HOFFMAN: Thank you.

19 MR. WOODFIELD: And I will offer it

20 into evidence while I still remember it right

21 now.

22 MS. DUNNE: No objection.

23 JUDGE HOFFMAN: All right. 219 is

24 in.

25 (Whereupon, Exhibit 219 was

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2 A. I don't believe I had an opinion at

3 the time.

4 Q. So at that point you hadn't decided

5 that based on what he said, you would not

6 consider him as an employee?

7 A. It was a long time ago, but I don't

8 believe that I had formed any sort of an opinion.

9 Q. Let me show you what I'm marking as

10 Exhibit No. -- or is marked as Exhibit No. 147.

11 Joint 147 is already in evidence.

12 Sean Gouthro was e-mailing with

13 certain people, including you, Ken Davis,

14 Kristopher Halladay, Nick Gicinto, about hidden

15 copper at the south end of the Gigafactory.

16 A. Mm-hmm.

17 Q. Do you recall whether there were

18 concerns that copper theft might be on a large

19 scale at the Gigafactory in July of 2018?

20 A. As I previously testified, I mean,

21 this was not an area that my team was focused on

22 at the time; however, I do recall there being

23 discussions about copper theft, and it was a

24 concern, you know, amongst both the security

25 teams and also the management team at the

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2 received.)

3 BY MR. WOODFIELD:

4 Q. This is a text between you and

5 Karl Hansen on July 13, 2018.

6 Do you recall texting back and forth

7 with Mr. Hansen about his possibly joining Tesla

8 as an employee?

9 A. This appears to be an e-mail on the

10 mobile version of Outlook. So I do recall him

11 e-mailing and inquiring about positions, or he

12 may have texted me and I returned the message via

13 e-mail.

14 He did state that he was interested

15 in a full-time role with Tesla and was interested

16 in the full-time roles that my team was going to

17 be hiring for at the time. And as I stated in

18 this e-mail, you know, I advised him that he

19 should go through the normal Tesla website to go

20 ahead and apply and have his application and

21 resumé screened by our recruiters.

22 Q. And as of July 13, 2018, had you made

23 any opinion as to whether he would be a good

24 hire, a bad hire, or had you made no -- formed no

25 opinion at all?

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2 Gigafactory, Nevada.

3 Q. And when you say "it was a concern,"

4 it was a concern that the copper theft might be

5 at a large scale?

6 A. At a large enough scale that you

7 would need to be concerned about it.

8 I mean, I think the term "large" is

9 rather ambiguous.

10 Q. Well, large enough that it was

11 getting the attention of people up at

12 Mr. Gicinto's level?

13 A. Yes. I mean, it was a large enough

14 issue that it needed to be at least investigated

15 to determine the scope.

16 Q. I'm going to show you now an e-mail

17 marked as 176, joint Exhibit 176. That's already

18 in evidence. And this is from Nick Gicinto to

19 Karl Hansen, carbon-copying Gerhard Pretorius.

20 Do you know who Gerhard Pretorius is?

21 A. Yes, I do.

22 Q. And what's his -- what was his job

23 title in July of 2018, sir?

24 A. I believe his job title was senior

25 manager, global security investigations.

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2 Q. And where was he located, sir?

3 A. That's a complicated answer to that

4 question.

5 So his team was run out of Fremont,

6 California, but I believe at the time he was

7 actually living in Seattle.

8 Q. And this e-mail from Mr. Gicinto was

9 addressed to Mr. Hansen and looped in Gerhard

10 Pretorius, Sean Gouthro, Jake Nocon, you, and

11 Mr. Jones. It dealt with some hiring issues, and

12 it also stated that he would like -- Mr. Gicinto

13 would like someone from his team to meet with

14 Mr. Hansen to accept turnover of his work on the

15 possible cartel infiltration involvement in our

16 supply chain through Mexico.

17 Had you heard discussions about

18 cartel involvement in Tesla's supply chain

19 through Mexico?

20 A. Well, if I recall correctly, that was

21 part of the allegations that Mr. Hansen had

22 raised.

23 Q. Yeah, it -- I mean, clearly that's

24 what he's talking about here. Had you heard

25 discussions about that? Did you hear them in

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2 the allegations and then being able to say that

3 there's just no evidence that substantiates

4 what's being -- you know, what's being alleged.

5 Q. What was Valerie Workman able to

6 find, sir?

7 A. I don't know. I mean, I think that

8 the -- that was part of the issue, at least of my

9 understanding, is that she had tried to get

10 information from Mr. Hansen, and that she was --

11 was unable to get much of anything to again

12 corroborate the allegations that he had made.

13 Q. Was that after August 3rd of 2018,

14 sir?

15 A. I don't know when she reached out to

16 him. I'm not sure.

17 Q. Okay. Were you involved in any

18 investigation involving Ms. Workman?

19 A. I'm sorry, investigation involving

20 Ms. Workman?

21 Q. Yes. You had talked about

22 Ms. Workman performing an investigation. Were

23 you involved in it at all?

24 A. No. So the -- at the time, Valerie

25 Workman was the head of compliance for Tesla.

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2 July of 2018 in Tesla, where people were

3 articulating any concerns about that?

4 A. Nothing comes to mind.

5 Q. Well, Mr. Gicinto was asking for

6 Mr. Hansen to debrief someone on his team to

7 discuss that; correct?

8 A. I believe he was looking for turnover

9 of the work product.

10 Q. Had you heard anyone say that you --

11 that they believed that there was nothing to the

12 allegations that there might be some cartel

13 involvement in Tesla's supply chain through

14 Mexico?

15 A. I don't think that I've heard anybody

16 say that there was nothing to it. I think that

17 the -- what I recall, you know, saying to Nick

18 and to Sean, and then also hearing -- yeah, and

19 this is in my capacity as Tesla's representative,

20 you know, in seeing what Valerie Workman was able

21 to -- or was not able to find, was that the

22 allegations had simply just not been

23 substantiated.

24 I don't know -- I think there's a

25 difference between saying that there's nothing to

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2 The -- because of the nature of the complaints

3 that had been made and the fact that, you know,

4 at some point there were allegations made against

5 both myself and also Mr. Gicinto, we were --

6 neither me nor Nick were involved in the

7 investigation. It was conducted independently by

8 Valerie.

9 Q. What were the allegations made

10 against you and Mr. Gicinto, sir?

11 A. You know, I'm actually not sure

12 exactly what the allegations were. I know that I

13 received questions about a piece of electronic

14 equipment that was in the security room at

15 Gigafactory in Nevada. You know, there were

16 allegations about method -- investigative methods

17 against us that were made, things that would be

18 illegal that we did not do. I don't know the

19 exact details.

20 Q. And when did this investigation take

21 place?

22 A. I can't recall the exact dates.

23 Q. Was Mr. Hansen still working there?

24 A. Like I said, I can't remember the

25 exact dates, so I wouldn't be able to say whether

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2 or not he was working yet as a contractor with  
3 Tesla or not at the time.  
4 Q. Do you know what the questions were  
5 about electronic equipment?  
6 A. There was a question about a piece of  
7 electronic equipment that Nisos had provided.  
8 This is --  
9 Q. Nisos is a contractor that you  
10 formerly worked for?  
11 A. That's correct.  
12 So when I started working for Tesla,  
13 or with Tesla, I was a contractor with Nisos.  
14 And during those initial weeks, we had a  
15 significant investigation that initiated at  
16 Gigafactory, Nevada, involving an individual  
17 named Martin Tripp. As a result of that -- our  
18 investigation into Mr. Tripp's activities, there  
19 was concern that there was -- there was concern  
20 that there may have been code placed onto the  
21 network and that there may be suspicious activity  
22 happening on Tesla's network that would put  
23 Tesla's information and data at risk.  
24 So a piece of equipment that was  
25 introduced with the blessing of the information

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2 into our manufacturing operating system.  
3 You know, the concern was that there  
4 was persistent access to our network that would  
5 be -- would continue to persist after Mr. Tripp  
6 was exited from the company. So that was the  
7 purpose of that device. It required login  
8 credentials, which people had within Nisos,  
9 including myself at the time, but also some of my  
10 colleagues.  
11 And although the device ended up  
12 staying on the network, my understanding is is  
13 that it had largely been forgotten after the  
14 Tripp investigation wrapped up.  
15 Q. Was Mr. Hansen ever investigated as  
16 part of the Tripp investigation?  
17 A. Not that I'm aware of. And I should  
18 know, I was the lead investigator.  
19 Q. I'm showing you joint Exhibit  
20 No. 173. Do you recall Gerhard Pretorius  
21 reaching out to Mr. Hansen to address the issues  
22 raised by Nick Gicinto?  
23 A. I can see the e-mail and that I'm on  
24 distribution on it. I don't recall this specific  
25 e-mail, no.

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2 security team at Tesla going to the necessary  
3 work simply provided a bridge for forensic  
4 investigators at Nisos to conduct network  
5 forensics on Tesla's network. It was looking at  
6 different types of log and activity that were  
7 happening on the network just to ensure there  
8 weren't any anomalies specific to what was  
9 happening with Martin Tripp.  
10 Q. So, for example, it was looking at  
11 who was sending e-mails to whom and the like?  
12 A. No.  
13 Q. Tell me what it was doing, sir.  
14 A. I don't have the exact details on  
15 what it was doing, but it was not looking at  
16 e-mails. It didn't have the ability to do that.  
17 It simply provided a bridge into the network.  
18 Q. Okay. It provided a bridge into the  
19 network. And you said you don't have the  
20 specific details. Give me the broad details  
21 about what you understood it was doing such that  
22 it was providing actionable information.  
23 A. The specific piece that we were  
24 looking for was any data that was leaking out  
25 based on any code that Mr. Tripp had introduced

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2 Q. And this was on July 31, 2018, and it  
3 was pointed out to everyone on the e-mail  
4 distribution list that everyone who is e-mailing  
5 Karl Hansen at kahansen@tesla.com, that  
6 Mr. Hansen no longer has access to Tesla e-mail  
7 since the RIF that had occurred in June of 2018.  
8 Do you know if people were  
9 complaining in July of 2018 that Mr. Hansen was  
10 unresponsive to efforts to try and contact him?  
11 A. I'm sorry, can you repeat that  
12 question again.  
13 Q. Do you know if people at Tesla were  
14 articulating in July of 2018 that Mr. Hansen was  
15 unresponsive to efforts to try and contact him?  
16 A. I'm not aware of that, one way or the  
17 other.  
18 Q. You would agree with me that it would  
19 be unreasonable for Tesla to complain that  
20 Mr. Hansen was unresponsive to e-mails that were  
21 being sent to his Tesla e-mail address in July of  
22 2018 when he was not allowed access to it,  
23 wouldn't you?  
24 A. That if people were complaining about  
25 him being nonresponsive, if he didn't have

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2 access? Is that the question?

3 Q. Yes.

4 A. Sure. I mean, if somebody didn't

5 have access to an e-mail account, I don't know if

6 you could expect them to respond to it, to any

7 e-mails going to that account.

8 Q. Let me show you Exhibit No. 204.

9 It appears Mr. Gouthro subsequently

10 reached out to Mr. Hansen and looped you in on

11 this as well to get Mr. Pretorius in.

12 Do you know why Tesla was so eager to

13 investigate the concerns raised by Mr. Hansen in

14 his allegations to Mr. Gicinto in July?

15 A. I don't. I don't know why the issue

16 was raised at that particular moment.

17 Q. Now, I'm going to show you what's

18 marked as Exhibit No. 46. Joint Exhibit No. 46,

19 and then I will offer it in.

20 This is an e-mail following -- and

21 mercifully, just to keep the pages down, this the

22 Karl Hansen August 3rd e-mail where he sent it to

23 Sean Gouthro, Elon Musk, Gerhard Pretorius, you

24 as well. But Yusuf Mohamed -- Mohamed wrote back

25 to Mr. Hansen.

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2 policy in 2018?

3 A. Open door to the extent that Elon

4 regularly told employees if they had any

5 concerns, that they could feel free to contact

6 him directly.

7 Q. Did Mr. Hansen do anything

8 inappropriate on August 3rd, when he raised

9 concerns including things such as narcotics

10 trafficking activity and cartel activity at the

11 Gigafactory when he raised them to Elon Musk?

12 A. Not being able to see the rest of the

13 e-mail, I mean, I can't speak to anything that

14 could have been inappropriate within the e-mail.

15 But simply the act of e-mailing our CEO in

16 general is -- I mean, it's not a policy

17 violation, and it's not something that anybody's

18 going to get in trouble for.

19 Q. Well, is it something that Mr. Hansen

20 should have been discouraged from doing, from

21 raising concerns about issues like cartel

22 involvement at the Gigafactory to Elon Musk?

23 A. I think that depends. You know, if

24 this was information or allegations that had been

25 investigated and addressed and was being handled

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2 Do you recall receiving this e-mail

3 from Mr. Mohamed in response to Mr. Hansen's

4 August 3rd e-mail that he sent to everyone

5 including Elon Musk?

6 A. I'm sorry, you're asking me if I

7 received this e-mail from Yusuf Mohamed?

8 Q. Yes. Do you recall seeing this

9 e-mail? Were you bcc'd?

10 A. I don't recall.

11 Q. Do you recall seeing the e-mail that

12 Mr. Hansen sent on August 3rd -- Friday,

13 August 3rd to you, Elon Musk, Sean Gouthro,

14 Gerhard Pretorius, Jeff Jones, and Nick Gicinto?

15 A. I do remember receiving that e-mail.

16 Q. And what was the reaction amongst

17 Mr. Gouthro, Mr. Pretorius, Mr. Jones,

18 Mr. Gicinto, when Mr. Hansen sent the e-mail?

19 A. The only conversation I recalled

20 having, that I recall having following this

21 e-mail being sent was a conversation I had with

22 Mr. Gicinto. At a high level, it was just

23 surprise that this information had been sent

24 directly to Elon.

25 Q. And did Tesla have an open door

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2 by people that reported to Jeff Jones,

3 potentially it's inappropriate to e-mail the CEO

4 of the company on these matters.

5 But, I mean, I think there's a

6 difference between it being inappropriate versus,

7 you know, being a policy violation.

8 Q. Well, let me ask you, had the issue

9 of cartel involvement been investigated and

10 resolved by Jeff Jones and his group such that it

11 was inappropriate to raise -- for Mr. Hansen to

12 raise these issues to Mr. Musk?

13 A. I don't know the answer to that

14 because I'm -- again, this was not something that

15 my team and I were focused on investigating. We

16 were asked to look at this by Mr. Gouthro, I

17 guess, earlier that year. I don't remember the

18 exact date from the e-mails that you had showed

19 me previously. You know, we gave an assessment,

20 and it was turned back over to develop further.

21 Q. You and Mr. Gicinto were surprised at

22 this e-mail; correct?

23 A. To the extent that it was sent to

24 Mr. Musk, yes.

25 Q. And you didn't think he should have

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2 done it, did you?  
3 A. I mean, I don't know if I would  
4 characterize it as I don't think he should have  
5 done it. It certainly is something that I  
6 wouldn't have done.  
7 Q. Why not?  
8 A. Because the CEO of the company is  
9 somebody who's got numerous other things on his  
10 plate, you know, lots of other issues that he's  
11 addressing. Particularly at the time, you know,  
12 Tesla was struggling financially, trying to ramp  
13 up on Model 3.  
14 Yeah, as an employee and somebody who  
15 wasn't in a particularly high level at the time,  
16 I don't think I had a full appreciation for, you  
17 know, the perilous situation that the company was  
18 in. But certainly, yeah, Mr. Musk was extremely  
19 busy at the time.  
20 I think that, you know, it's always  
21 good to measure what you're pushing up to senior  
22 leadership, whether it's one of Elon's directs or  
23 Elon himself, yeah, making sure that this is  
24 something that, you know, really is appropriate  
25 for the CEO or one of his directs to address.

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2 Q. People share the opinion that Tesla  
3 didn't need that distraction?  
4 A. I don't recall anybody saying that.  
5 Q. Do you recall feeling that way?  
6 A. No, not particularly.  
7 Q. I'm going to show you what I'm  
8 marking as Exhibit 186.  
9 It's already --  
10 JUDGE HOFFMAN: Are you going to move  
11 46 in?  
12 MR. WOODFIELD: Yes, sir, I'm  
13 offering 46.  
14 JUDGE HOFFMAN: All right. If  
15 there's no objection, 46 is in.  
16 MS. DUNNE: No objection.  
17 JUDGE HOFFMAN: Thank you.  
18 (Whereupon, Exhibit 46 was received.)  
19 BY MR. WOODFIELD:  
20 Q. And I'm showing you 186.  
21 Did Mr. Gicinto tell you that he  
22 reached out to Mr. Musk to tell you that -- or to  
23 tell Mr. Musk that Mr. Hansen's allegations were  
24 uncorroborated?  
25 A. So the question, did Nick tell me

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2 Q. So it would have been really -- it  
3 wouldn't -- it showed bad judgment to distract  
4 him at that time with allegations of cartel  
5 involvement at the Gigafactory or drug use at the  
6 factory or massive theft at the factory.  
7 Is that fair to say?  
8 A. In my opinion, yeah. I mean, I would  
9 say, you know, looking at the totality of the  
10 facts as I knew them at the time, that it was  
11 probably something that would have been better  
12 directed towards Jeff Jones rather than directing  
13 it towards Elon.  
14 Q. Did other people at Tesla share your  
15 opinion, that that was bad judgment?  
16 A. I don't recall. I don't recall  
17 anybody saying -- any commentary on this e-mail,  
18 one way or the other, other than the one  
19 discussion I had with Mr. Gicinto, and, you know,  
20 he shared the same surprise that I did, that Elon  
21 had been e-mailed.  
22 Q. Well, did he share your opinion that  
23 he wouldn't have done it either?  
24 A. I don't recall him saying one way or  
25 the other.

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2 that he was going to be reaching out to Mr. Musk?  
3 Q. Yeah. When you talked to  
4 Mr. Gicinto, did Mr. Gicinto tell you he reached  
5 out to Mr. Musk and said that Mr. Musk -- or  
6 Mr. Hansen's allegations were, according to  
7 Mr. Gicinto, not corroborated?  
8 A. I don't recall Mr. Gicinto telling me  
9 at the time that he was going to be reaching out  
10 to Mr. Musk.  
11 Q. Did he tell you afterwards?  
12 A. I don't remember one way or the  
13 other.  
14 Q. Did you discuss with Mr. Gicinto at  
15 any time whether Mr. Hansen had made numerous  
16 assumptions that were coloring his conclusions?  
17 A. I don't recall having that discussion  
18 with Mr. Gicinto.  
19 Q. Had you ever heard anyone say that  
20 before August 3, 2018?  
21 A. Not that I can recall.  
22 Q. Had you ever spoken with Mr. Gicinto  
23 and had -- heard him say that independent efforts  
24 to corroborate Mr. Hansen's allegations about the  
25 cartel investigation were not successful as of



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2 August 3, 2018?  
3 A. I'm sorry, that was a long question.  
4 So --  
5 Q. Had you ever heard Mr. Gicinto tell  
6 you, as of August 3, 2018, that independent  
7 efforts to corroborate Mr. Hansen's conclusions  
8 about cartel investigation -- or cartel  
9 involvement in the Gigafactory were not  
10 successful as of August 3, 2018? Had Mr. Gicinto  
11 ever told you that?  
12 A. I don't believe that Mr. Gicinto ever  
13 told me that. I know that I had a discussion  
14 with Nick likely sometime prior to August 3rd of  
15 2018, stating that the initial background checks  
16 that were conducted on the individuals who were  
17 identified by Mr. Hansen did not yield any  
18 substantial, you know, criminal history, and that  
19 my recommendation was that they should develop  
20 the information further.  
21 Q. Did Mr. Gicinto tell you, before --  
22 when your call on -- before you spoke with --  
23 when you spoke with him, when you said you spoke  
24 with him after the August 3rd e-mail that was  
25 sent at 9:29 a.m. and then he followed up with

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2 A. I do not recall having that  
3 conversation with Mr. Gicinto.  
4 Q. Had Mr. Gicinto ever told you that  
5 Mr. Hansen relied on unnamed or anonymous sources  
6 and that Tesla could not back up any of his  
7 conclusions?  
8 A. I believe that Mr. Gicinto and I had  
9 conversations about the unnamed and anonymous  
10 sources that were part of the allegations that  
11 Mr. Hansen had raised. I don't recall when we  
12 had that conversation. And I'm sorry, you're  
13 going to have to repeat the second part of your  
14 statement. Yeah, I just -- I don't recall having  
15 that conversation in or around August 3rd.  
16 And, you know, further, I don't  
17 recall when I had the conversation with Nick,  
18 with Mr. Gicinto after the e-mail was sent by  
19 Karl Hansen. I don't know if it was hours or  
20 maybe even the next day or two after the e-mail  
21 was sent. You know, Nick and I were not  
22 necessarily collocated at all times, you know,  
23 during this period in 2018.  
24 Q. Had you ever heard, prior to  
25 August 3, 2018, that Mr. Hansen had been

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2 Mr. Musk shortly thereafter and you said you  
3 spoke with Mr. Gicinto, did Mr. Gicinto tell you  
4 that it was not Mr. Hansen's role to perform  
5 these investigations and that he appears instead  
6 to be misinformed? Did he tell you that?  
7 MS. DUNNE: Objection. You're  
8 misstating the prior testimony.  
9 JUDGE HOFFMAN: Well, which part of  
10 the prior testimony is being misstated?  
11 MS. DUNNE: About when the  
12 conversations happened. I don't believe that  
13 Mr. Nocon has testified as to when those  
14 conversations occurred.  
15 JUDGE HOFFMAN: Okay. All right.  
16 Go ahead and clean up your question,  
17 then, Mr. Woodfield.  
18 MR. WOODFIELD: Yes.  
19 BY MR. WOODFIELD:  
20 Q. Did Mr. -- and I'll read it to you.  
21 Did Mr. Gicinto tell you that as  
22 early as August 3rd, the same day as the e-mail  
23 is sent, that Mr. Gicinto thought there was  
24 little or no truth to what Mr. Hansen was  
25 alleging?

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2 counseled by Tesla on his tendency to venture too  
3 far outside of his lane with investigations, and  
4 that even after his cases were referred to  
5 others, because they were not part of his role,  
6 he was not inclined to let go of control? Had  
7 you ever heard that criticism of him as of  
8 August 3, 2018?  
9 A. Not that I can remember.  
10 Q. Were you aware of any investigation  
11 Yusuf Mohamed made into Mr. Hansen following  
12 August 3, 2018?  
13 A. I was not aware of any investigation  
14 conducted by Yusuf Mohamed. The only  
15 investigation that I was aware of was conducted  
16 by Valerie Workman.  
17 Q. And is that -- when you say -- was it  
18 made by legal counsel?  
19 A. I'm sorry, I don't know what you're  
20 referring to.  
21 Q. Okay. What investigation do you know  
22 was made by Valerie Workman?  
23 A. Again, as the company representative,  
24 my understanding is that Valerie Workman  
25 conducted an inquiry into the allegations made by

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2 Karl Hansen at some point after those allegations

3 were raised.

4 Q. And do you know when that

5 investigation commenced?

6 A. I do not.

7 Q. Do you know what triggered the

8 investigation?

9 A. I do not know what triggered that

10 investigation.

11 Q. Let me show you what's marked as

12 joint Exhibit 208.

13 JUDGE HOFFMAN: Before you move on,

14 I'm not sure in my notes that 186 is in.

15 Do you move to admit 186?

16 MR. WOODFIELD: I do move to admit

17 186.

18 MS. DUNNE: No objection.

19 JUDGE HOFFMAN: Okay. It's in.

20 (Whereupon, Exhibit 186 was

21 received.)

22 BY MR. WOODFIELD:

23 Q. These are Tesla's first interrogatory

24 responses, and I believe they were offered in

25 already and we jointly admitted them, but if not

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2 into Tesla's network coupled with his role as

3 gatekeeper into the Gigafactory after Davis

4 became concerned about Hansen's erratic and

5 unauthorized activities and involvement of

6 activity -- of individuals outside of Tesla.

7 As a result of this report, Tesla

8 reviewed Hansen's employee and contractor e-mail

9 accounts and found that he forwarded numerous

10 e-mails -- Tesla internal documents to his

11 personal e-mail address in violation of Tesla

12 policies. During this review, Tesla also

13 determined that Hansen permanently deleted the

14 contents of his sent items folders.

15 Do you know if this is the reason why

16 Mr. -- or why Tesla commenced its investigation

17 into Mr. Hansen?

18 A. I don't know if this was the reason.

19 And again, I would have to speculate, but it

20 would be maybe one of the reasons why Tesla was

21 looking into matters involving Mr. Hansen.

22 Q. And that is this e-mail, Kenneth

23 Davis's August 23, 2018 e-mail to Jeff Jones and

24 Elon Musk: Karl Hansen, SEC whistleblower,

25 immediate attention. Correct?

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2 I'm offering them now.

3 MS. DUNNE: No objection.

4 JUDGE HOFFMAN: Okay. They're in.

5 (Whereupon, Exhibit 208 was

6 received.)

7 BY MR. WOODFIELD:

8 Q. And I'm going to submit to you that

9 on August 23, 2018, that the interrogatory

10 question was: Identify and explain in detail any

11 complaints or allegations leveled against Hansen

12 when he was employed by any respondent or

13 thereafter. It starts with an objection.

14 And then it says: On August 23,

15 2018, Tesla received a report regarding Hansen's

16 behavior from Hansen's colleague Kenneth Davis.

17 Davis reported witnessing Hansen violating Tesla

18 policies including involving third parties with

19 his investigations and sending confidential Tesla

20 information to outside e-mail addresses to be

21 accessed by individuals not employed by Tesla.

22 Davis expressed concerns about Hansen

23 being temporarily placed at the front desk of the

24 Gigafactory. Specifically, Davis cited the risks

25 of Hansen possibly having unrestricted access

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2 That's marked as Exhibit 183.

3 A. I'm sorry, what is the question?

4 Q. One of the causes is Exhibit 183,

5 Mr. Kenneth Davis's August 23rd e-mail, the

6 referenced e-mail here, August 23rd. Tesla

7 received a report regarding Hansen's behavior

8 from Hansen's colleague Kenneth Davis. I'm

9 referring you to Exhibit 183. You said that one

10 of the causes was this e-mail; correct?

11 A. Again, I don't know all of the causes

12 of why the investigation was opened and why it

13 was conducted by Valerie Workman. Yes,

14 certainly --

15 Q. -- you understand?

16 A. Excuse me.

17 Q. Is this one of them, as far as you

18 understand?

19 MS. DUNNE: Objection. Let the

20 witness finish answering the question before you

21 ask another.

22 JUDGE HOFFMAN: I agree.

23 A. Like I previously stated, I don't

24 know if this was -- e-mail was the cause of one

25 of the -- was one of the triggers that caused the

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2 investigation into Mr. Hansen's activities. I'm  
3 not sure. I was not a part of that  
4 investigation. I know that the investigation was  
5 conducted. I know what the end result of the  
6 investigation was, but I do not know what  
7 triggered it.  
8 BY MR. WOODFIELD:  
9 Q. You have no -- no one ever told you  
10 that Interrogatory 12 was wrong and that it  
11 needed to be withdrawn; correct?  
12 A. I'm sorry, that something was wrong  
13 with Interrogatory 12?  
14 Q. Yes, has anyone ever told you that?  
15 A. Not that I can recall.  
16 Q. And do you know who Nicole White is?  
17 A. Yes, I know who Nicole White is.  
18 Q. And who is Nicole White?  
19 A. Nicole White is an employee at Tesla.  
20 Q. And is she a senior manager in people  
21 analytics and systems at Tesla, Inc.?  
22 A. I don't know if that's her current  
23 role, but that sounds right.  
24 MR. WOODFIELD: I don't have any  
25 further questions for this witness.

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2 (Recess taken, 10:41 a.m. to  
3 10:51 a.m. PDT)  
4 JUDGE HOFFMAN: Ms. Dunne, your  
5 opportunity to inquire.  
6 We're back on the record, Debbie.  
7 MS. DUNNE: Thank you, Your Honor.  
8 -----  
9 EXAMINATION  
10 -----  
11 BY MS. DUNNE:  
12 Q. Good morning, Mr. Nocon.  
13 You testified before that your title  
14 with Tesla is senior manager of security  
15 intelligence; is that correct?  
16 A. Yes, that's correct.  
17 Q. Can you explain to me what you do in  
18 that role?  
19 A. Sure. So the mission of security  
20 intelligence is to protect Tesla's intellectual  
21 property, trade secrets, and confidential  
22 information. The team consists of trained  
23 investigators, analysts, and forensic experts to  
24 deploy different -- a bunch of different measures  
25 in order to protect Tesla's information. I mean,

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2 JUDGE HOFFMAN: All right. Let's  
3 see, we're in cross-examination, but this witness  
4 was going to be a joint witness. Is that true?  
5 MS. DUNNE: Yes.  
6 JUDGE HOFFMAN: Okay. So I guess,  
7 Mr. Robertson, you can go ahead and inquire. I  
8 want to caution you about leading too much. He's  
9 going to be your witness as well as  
10 Mr. Woodfield's witness, so let's see how that  
11 goes.  
12 Let's start with --  
13 MR. ROBERTSON: I will direct your  
14 caution to Ms. Dunne, because she's going to do  
15 the question.  
16 JUDGE HOFFMAN: Yes, Ms. Dunne.  
17 MR. ROBERTSON: Thank you,  
18 Your Honor.  
19 MS. DUNNE: Your Honor, can we just  
20 take five minutes before I start my examination?  
21 I will not contact the witness per our previous  
22 agreement with counsel.  
23 JUDGE HOFFMAN: That's fine. Five  
24 minutes. We'll be back at quarter till the hour.  
25 MS. DUNNE: Thank you.

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2 I think the -- our philosophy is the best way to  
3 protect the information is to not let it leave in  
4 the first place. So we spend a lot of time and  
5 effort on deterring any type of, you know, either  
6 malicious activity or negligent activity that  
7 would put information and data at risk.  
8 And if we can't deter people from  
9 doing the things they need to in order to protect  
10 our information, we have systems in place to  
11 detect when policy violations are taking place or  
12 when there's mishandling of confidential  
13 information, and that's where my technical  
14 experts come in.  
15 And, you know, if neither of those is  
16 successful and somebody does either take  
17 confidential information or leak information,  
18 I've got a team of investigators to fully delve  
19 into the incident and take it to a logical  
20 conclusion.  
21 Q. And you mentioned the leaking of  
22 Tesla information. Does that include images of  
23 Tesla facilities?  
24 A. That can at times. I mean, it would  
25 depend upon what the subject matter of that

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 2 picture is, but yes.  
 3 Q. Okay. And would it involve the  
 4 leaking of Tesla security records?  
 5 A. Sure. I mean, any type of controlled  
 6 record or controlled data, if that information  
 7 was found to be making its way off of our  
 8 networks, we would investigate those matters.  
 9 Q. And you mentioned that your team is  
 10 staffed in part by investigators. And can you  
 11 explain to me the role that those investigators  
 12 have as part of their day-to-day routine?  
 13 A. Sure. So the investigators will  
 14 initiate cases based on, you know, different  
 15 types of circumstance. So in one case we may  
 16 have a react -- a truly reactive investigation  
 17 where something is reported in the media or  
 18 social media, and it's clearly, you know, leaked  
 19 information.  
 20 Our investigators will take that --  
 21 you know, leverage the facts that are available  
 22 to them and work to identify who the source of  
 23 that leaked information was.  
 24 We also have systems in place where  
 25 we can conduct proactive inquiries across our

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 2 Q. Okay. You testified earlier that you  
 3 had communications with Mr. Hansen regarding an  
 4 alleged drug activity at the Gigafactory.  
 5 Do you recall that?  
 6 A. Yes, I do.  
 7 Q. And can you please tell me about  
 8 those communications?  
 9 A. I believe the first time that it was  
 10 raised to me, it was in person by Sean Gouthro.  
 11 It was while we were conducting an investigation  
 12 out at Gigafactory, Nevada, myself and Nick  
 13 Gicino and a couple of other employees of Nisos,  
 14 that Mr. Gouthro came into the conference room,  
 15 where me and Mr. Gicino were sitting, and  
 16 mentioned that there was some information that he  
 17 wanted us to look at and assess and said that  
 18 he'd be following up with an e-mail with that  
 19 information.  
 20 I believe that that e-mail had  
 21 Mr. Hansen's report about the narcotics  
 22 trafficking attached to it, and that was the  
 23 first time that I actually saw that information.  
 24 Q. Okay. I'm going to share my screen  
 25 with you to show you an exhibit.

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 2 network. And if employees or those with access  
 3 to the network are found to be, you know,  
 4 sending, you know, internal data outside of the  
 5 Tesla domain via e-mail or if they're uploading  
 6 it to cloud drives or if they are uploading it to  
 7 web mail, we are very good at detecting that and  
 8 deciphering, you know, what is confidential  
 9 information and what is not and holding those  
 10 employees accountable.  
 11 Q. Understood. And in your group, are  
 12 you ever involved in reviewing security footage  
 13 related to employee complaints of -- affect their  
 14 personal property, like a water bottle or a lunch  
 15 box?  
 16 A. Typically that's not going to fall  
 17 within my team's purview, although we have on  
 18 occasion had circumstances where we do review  
 19 video footage. We've got access to do it, but we  
 20 can also rely on others within the company whose  
 21 responsibility it is to review that footage.  
 22 Q. Okay. So the responsibility to  
 23 review video footage is in general separate from  
 24 the investigation function of your team?  
 25 A. In general, yes.

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 2 Mr. Nocon, I am showing you an  
 3 exhibit that has previously been marked joint  
 4 Exhibit 49 and admitted in this matter.  
 5 You testified before that in your  
 6 history as a federal investigator, you had high  
 7 level experience with investigations into drug  
 8 activity; is that correct?  
 9 A. Yes, ma'am.  
 10 Q. And so you were familiar with reports  
 11 compiled by other federal agencies reviewing drug  
 12 activity, such as the DEA?  
 13 A. Yes, that's correct.  
 14 Q. And on this exhibit that I have in  
 15 front of you, Exhibit 49, does this appear to be  
 16 the type of record that would be created by the  
 17 DEA?  
 18 A. I mean, on its face? I mean, there's  
 19 nothing that screams out to me that it was  
 20 created by the DEA. I mean, typically any  
 21 documents that are releasable documents generated  
 22 by them would have a header that would say what  
 23 agency they're coming from, that would have some  
 24 sort classification or sensitivity marking at the  
 25 top of it. You know, this looks like -- this

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2 looks like a -- maybe like a journal or a blotter  
3 entry.

4 I'm not sure. I'm not sure what I'm  
5 looking at here.

6 Q. On the second page here, the final  
7 line I've highlighted in yellow, and I'll zoom in  
8 for you.

9 Can you read that final line?

10 A. Sure. It says: Star, star, star,  
11 report forwarded to Storey County SO and DEA.

12 Q. And so based on that final line,  
13 would it appear to you that this report was  
14 generated by the DEA?

15 A. Likely not. I mean, if it had been  
16 generated, there would be no reason to forward it  
17 to them.

18 Q. Okay. Thank you.

19 And, Mr. Nocon, I'm going to go back  
20 to Exhibit 186, which you had just been looking  
21 at with Mr. Woodfield.

22 Can you see that?

23 A. Yes, I can.

24 Q. Okay. And on -- in the second  
25 paragraph, can you please read the sentence

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2 including leaks; correct?

3 A. That's correct.

4 Q. Can you explain in layman's terms  
5 exfiltration of data to the extent you feel you  
6 have not fully covered it already?

7 A. Sure. So any files or data that are  
8 Tesla work product and that are on Tesla's  
9 systems are Tesla property. There are times  
10 when, you know, people will send Tesla files or  
11 Tesla data to an external e-mail address, like a  
12 Gmail address or, you know, a Yahoo address, and  
13 it contains that information. And on its face,  
14 it can be evident that that information is being  
15 moved off for something other than a work  
16 purpose.

17 And obviously, there are instances  
18 where sending data off the network is going to be  
19 authorized, if you're interacting with a  
20 customer, you're interacting with a vendor. So  
21 what my team is specifically looking for and what  
22 we classify as exfiltration is, you know, that  
23 data that's moving outside of Tesla's control  
24 onto networks that we don't -- are not familiar  
25 with and that may not be up to the same security

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2 beginning with: I took the cartel investigation?

3 A. Let's see here. I took the cartel  
4 investigation allegations seriously, but our  
5 independent efforts to corroborate his  
6 conclusions were not successful.

7 Q. Can you read -- that's great,  
8 actually.

9 And you testified before that you  
10 were involved in those independent efforts;  
11 correct?

12 A. In at least a part of it, yes.

13 Q. And in your role in those independent  
14 efforts, you were unable to corroborate  
15 Mr. Hansen's allegations; correct?

16 A. That's correct.

17 Q. And you were unable to corroborate  
18 his conclusions?

19 A. That's correct, which is why I'd  
20 asked them to further develop information if they  
21 wanted to pursue it.

22 Q. Understood. Thank you.

23 Mr. Nocon, you testified before that  
24 in your role, you're involved in the  
25 investigation of exfiltration of Tesla data,

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2 standards as our network.

3 Q. Okay. And if you -- if your team  
4 determines that data was exfiltrated, what steps  
5 do you take?

6 A. So it depends upon the case, but  
7 generally speaking, we will, after getting  
8 permission from counsel --

9 Let me back up.

10 So initially what we'll receive is an  
11 alert. And these alerts are set up to monitor  
12 logs and metadata that's collected across our  
13 networks.

14 Once we receive an alert that  
15 somebody has engaged in what could potentially be  
16 a policy violation, we'll work with legal counsel  
17 in order to get permission to pull the original  
18 e-mail or pull an original file from an  
19 employee's either e-mail account or from their  
20 computer.

21 Yeah, this is done at an abundance of  
22 caution. You know, it's Tesla property. We let  
23 everybody in our company know that their  
24 activities are subject to monitoring. But just  
25 to make sure that, you know, we follow process,



<p style="text-align: right;">Page 383</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 it's always done with legal concurrence.</p> <p>3 We'll then review the file or review</p> <p>4 the e-mail, see if it truly is confidential</p> <p>5 information and does not constitute personal</p> <p>6 information or other types of data that is not</p> <p>7 sensitive. And if it is confidential, sensitive,</p> <p>8 proprietary, intellectual property, we then will</p> <p>9 make contact with legal, employment legal, Human</p> <p>10 Resources, and then the employee's manager.</p> <p>11 And at that time we'll let them know</p> <p>12 what we found. We will come up with a game plan,</p> <p>13 depending upon what was disclosed, to determine,</p> <p>14 all right, if the person doesn't have a</p> <p>15 legitimate reason for why they moved this off,</p> <p>16 you know, what is the potential action that's</p> <p>17 going to be taken, is the person going to be put</p> <p>18 on administrative leave, are they going to be</p> <p>19 terminated, are they going to get a final written</p> <p>20 warning.</p> <p>21 And then once that's been</p> <p>22 established, we'll interview the employee or the</p> <p>23 contractor, try to get an explanation for why</p> <p>24 they took the actions they did. And then, based</p> <p>25 on the results of that, that interview, you know,</p>	<p style="text-align: right;">Page 384</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 we'll take appropriate work action.</p> <p>3 And by we, I mean the collective we.</p> <p>4 Our team doesn't actually do the action.</p> <p>5 Q. Understood. I'd like to direct your</p> <p>6 attention to Exhibit 42. I'm pulling it up on</p> <p>7 the screen now.</p> <p>8 It's just loading. One minute,</p> <p>9 please.</p> <p>10 MS. DUNNE: And this exhibit has not</p> <p>11 been entered into evidence yet. Nick, do you</p> <p>12 have any objection?</p> <p>13 MR. WOODFIELD: No objection.</p> <p>14 BY MS. DUNNE:</p> <p>15 Q. Okay. Mr. Nocon, can you please tell</p> <p>16 me the date on this e-mail?</p> <p>17 JUDGE HOFFMAN: 42 is in.</p> <p>18 (Whereupon, Exhibit 42 was received.)</p> <p>19 BY MS. DUNNE:</p> <p>20 Q. Mr. Nocon, can you please tell me the</p> <p>21 date of this e-mail?</p> <p>22 A. Yes. It says Tuesday, July 3, 2018.</p> <p>23 Q. And can you please tell me the sender</p> <p>24 and recipient of this e-mail?</p> <p>25 A. The sender was Karl Hansen. And</p>
<p style="text-align: right;">Page 385</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 that's kahansen@tesla.com. Recipient is Karl</p> <p>3 Hansen, and that's sa6892@gmail.com.</p> <p>4 Q. Thank you.</p> <p>5 And this exhibit has -- or this</p> <p>6 e-mail has five attachments. I'm going to keep</p> <p>7 scrolling because they are larger.</p> <p>8 So these are the attachments to this</p> <p>9 e-mail. And can you see this attachment? I can</p> <p>10 blow it up if you need me to.</p> <p>11 A. Yes, I can see it.</p> <p>12 Q. Okay. And this attachment was sent</p> <p>13 from a Tesla e-mail address to a Gmail address.</p> <p>14 And would the sending of a file such</p> <p>15 as this trigger an exfiltration -- would the</p> <p>16 sending of this exhibit be exfiltration of data?</p> <p>17 A. Yes. I mean, it meets the criteria</p> <p>18 that there are files or data that are being sent</p> <p>19 from a Tesla e-mail address to an external e-mail</p> <p>20 address.</p> <p>21 Q. And are you familiar with this</p> <p>22 specific attachment, this type of document?</p> <p>23 A. On its face, I am not.</p> <p>24 Q. Okay. We have learned through</p> <p>25 testimony in this proceeding that the attachment</p>	<p style="text-align: right;">Page 386</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 was a badging record.</p> <p>3 Are badging records accessible to the</p> <p>4 Tesla employee population as a whole?</p> <p>5 A. No. Badging records are restricted</p> <p>6 to those who need to have access to those badging</p> <p>7 records.</p> <p>8 Q. Okay. And you testified before that</p> <p>9 forwarding restricted access documents would be</p> <p>10 considered exfiltration of data; correct?</p> <p>11 A. Correct. And above and beyond that,</p> <p>12 I mean, forwarding this type of information, it's</p> <p>13 a little bit small, but if it has personally</p> <p>14 identifiable information on it is also something</p> <p>15 that's, you know, looked at being very sensitive.</p> <p>16 You know, if PII -- or personally identifiable</p> <p>17 information is forwarded off the network, that</p> <p>18 sometimes can trigger, you know, other types of</p> <p>19 investigations and disclosures by our privacy</p> <p>20 team.</p> <p>21 Q. Understood. I'm going to direct your</p> <p>22 attention to Exhibit 99. Exhibit 99 has</p> <p>23 previously been entered into evidence in this</p> <p>24 matter.</p> <p>25 And, Mr. Nocon, could you please tell</p>

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 2 me the date of this e-mail?  
 3 A. The e-mail is labeled with Thursday,  
 4 April 26, 2018.  
 5 Q. And can you please tell me who the  
 6 sender of this e-mail is?  
 7 A. The sender was Karl Hansen. And  
 8 that's kahansen@tesla.com.  
 9 Q. And can you please tell me two  
 10 recipients of this e-mail?  
 11 A. One of the recipients is Karl Hansen  
 12 at the same tesla.com e-mail address I previously  
 13 stated.  
 14 The other recipient is listed as Karl  
 15 Hansen, with the e-mail address sa6892@gmail.com.  
 16 Q. And this exhibit appears to have a  
 17 number of attachments.  
 18 And while it does not have the  
 19 attachments, it was not produced with the  
 20 attachments actually available, based on your  
 21 review of the listing of attachments, does this  
 22 appear to be Tesla proprietary or confidential  
 23 information?  
 24 A. I mean, I think that it's difficult  
 25 to assess by based on just the file names.

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 2 files, whether it's, you know, security camera  
 3 footage or pictures, you know, that may be Tesla  
 4 property. And if that is Tesla property that's  
 5 being sent off, that is considered exfiltration  
 6 of that data.  
 7 Q. Okay. I'm now going to show you  
 8 Exhibit 92.  
 9 And if you could be so kind as to  
 10 again let me know the date of Exhibit 92.  
 11 A. Sure. The date is Monday, June 18,  
 12 2018.  
 13 Q. And who is the sender of this e-mail?  
 14 A. The sender is Karl Hansen. And  
 15 that's kahansen@tesla.com.  
 16 Q. And who were the recipients of this  
 17 June 18th e-mail?  
 18 A. There are two recipients that are  
 19 listed. One is Karl Hansen at the same Tesla  
 20 e-mail address that I just provided. Second  
 21 recipient is Karl Hansen with the e-mail address  
 22 sa6892@gmail.com.  
 23 Q. And how many attachments does the  
 24 face of this e-mail state it contains?  
 25 A. It states 17.

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 2 If we were to get an alert, which I  
 3 assume, given the fact that these are all picture  
 4 files, that this would be a relatively large  
 5 e-mail, our team likely would receive an alert on  
 6 this. Seeing this many files moving on an  
 7 externally-directed e-mail would cause us to  
 8 investigate further and make a determination  
 9 based on the content of those files.  
 10 Q. Understood. And if they were  
 11 photographs taken from inside of the Gigafactory,  
 12 would that constitute exfiltration or leaking of  
 13 Tesla information?  
 14 A. Potentially, depending upon the  
 15 content of those photos. But in addition to  
 16 that, it would also be a violation of Tesla  
 17 policy regarding photography inside our  
 18 factories.  
 19 Q. Okay. And is footage to the Tesla  
 20 security camera system restricted access?  
 21 A. Yes, it is.  
 22 Q. And so forwarding any restricted  
 23 access document or information constitutes  
 24 exfiltration of data; correct?  
 25 A. Correct. I mean, those -- again, the

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 2 Q. I'm going to zoom in on the  
 3 attachments.  
 4 And can you tell what these first two  
 5 attachments are?  
 6 A. They appear to be picture files. You  
 7 know, looking closely at the screen, I mean, that  
 8 appears -- it appears to be security camera  
 9 footage, like a snapshot of a security camera.  
 10 Q. Okay. And then these next  
 11 attachments -- I'm going to zoom in, but I don't  
 12 want to destroy the quality.  
 13 Can you tell what these attachments  
 14 are?  
 15 A. I mean, they appear to be some sort  
 16 of employee or personnel record.  
 17 Q. And do they --  
 18 A. I'm not sure what the --  
 19 Q. I apologize. Do they contain a  
 20 photograph of the employee?  
 21 A. Yes, they contain photographs.  
 22 Q. And then these final several  
 23 attachments, they do not have images like the  
 24 others, but they have titles. Can you read the  
 25 title of this first attachment, that's a pdf

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 2 entitled "Herrera" is the first word?  
 3 A. Sure. The name of the file is  
 4 Herrera, GustavoAccessDenied, Granted and Other  
 5 Badge Events.pdf.  
 6 Q. And would logs of badging information  
 7 be available to Tesla employee population at  
 8 large?  
 9 A. They would not be.  
 10 Q. So these files would be restricted  
 11 access?  
 12 A. Yes, that's correct.  
 13 Q. And so the forwarding of these --  
 14 files types such as these badge events would be  
 15 considered the exfiltration of Tesla proprietary  
 16 or confidential data?  
 17 A. Yeah, if they were sent from the  
 18 Tesla domain to an external account, yes.  
 19 Q. Okay. And I believe you testified  
 20 before that these were sent to a Gmail address?  
 21 A. That is correct.  
 22 Q. And so based on your review of this  
 23 June 18, 2018 e-mail, does it fit the parameters  
 24 of exfiltration of Tesla data?  
 25 A. Yes, based on what I can see here, it

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 2 I'm not sure it waives everything. So, I mean,  
 3 if your objection is that this document should  
 4 not be introduced --  
 5 MR. WOODFIELD: My objection is that  
 6 there was -- if you'll recall, following summary  
 7 judgment, Tesla produced three e-mails and then  
 8 in the last week it produced three additional  
 9 e-mails, all of which are dated from the same  
 10 date which is August 31, 2018. But you cannot  
 11 use the attorney-client privilege as both a  
 12 shield and a sword.  
 13 And if Ms. Workman is going to say  
 14 the entire extent of her investigation is limited  
 15 to these six e-mails, then that's fine, but if  
 16 there's additional e-mails, then I think we've  
 17 got a problem in that they can't come in because  
 18 you can't offer just some of them and offer  
 19 partial disclosure. And so I don't think it's  
 20 equitable to allow Tesla -- to allow a partial  
 21 offer of documentation.  
 22 So I would object to the  
 23 admissibility of these documents, because I -- on  
 24 the basis of the attorney-client privilege as an  
 25 affirmative weapon at this point.

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 2 does.  
 3 Q. You testified earlier with  
 4 Mr. Woodfield that in August of 2018, you were  
 5 then currently affiliated with the group that you  
 6 now manage; correct?  
 7 A. Yes, that is correct.  
 8 Q. And at that time you were a Tesla  
 9 employee?  
 10 A. Yes, ma'am.  
 11 Q. I'm going to show you an exhibit  
 12 marked as Exhibit 188.  
 13 MR. WOODFIELD: Your Honor, I've got  
 14 the same continuing objection to this, in that I  
 15 think it's a partial waiver. And I think that  
 16 we've only gotten some exhibits, and so I -- I  
 17 think that you can produce all of the exhibits or  
 18 you can produce none of the exhibits, but you  
 19 can't produce the ones that you like and not all  
 20 of them.  
 21 JUDGE HOFFMAN: Yeah, that's too  
 22 general an objection on this to be very helpful,  
 23 Mr. Woodfield. You are right, the  
 24 attorney-client privilege waived on some  
 25 categories is going to waive similar categories.

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 2 JUDGE HOFFMAN: Yeah, let me hear  
 3 from Ms. Dunne on this.  
 4 MR. ROBERTSON: Your Honor, may I --  
 5 I know we've done the one witness, but on this  
 6 issue, obviously we've briefed it. So if I may  
 7 weigh in.  
 8 JUDGE HOFFMAN: Sure. Go ahead.  
 9 MR. ROBERTSON: Sure. I mean, we  
 10 made this point obviously in our brief. The  
 11 scope of what we're talking about is the  
 12 discovery of a very specific violation of Tesla  
 13 policy in the course of an investigation. The  
 14 scope of the waiver that Mr. Woodfield --  
 15 personally you said we'd deal with this. I don't  
 16 think we're -- with this witness, we're  
 17 specifically, you know, he's being asked any  
 18 questions about issues where we're asserting  
 19 privilege. So we're not asserting privilege as  
 20 to this. This is a document that's at a point in  
 21 time.  
 22 Our point on the scope was always the  
 23 fact that -- you know, confirming that on  
 24 August 31st, this issue of the discovery of the  
 25 fact that these e-mails have been exfiltrated was

<p style="text-align: right;">Page 395</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 uncovered, and there were communications about</p> <p>3 those facts, and then that resulted in the</p> <p>4 communication to USSA that Tesla no longer wanted</p> <p>5 Mr. Hansen on their facility based on what was</p> <p>6 uncovered.</p> <p>7 To say that that opens up a waiver</p> <p>8 of -- you know, a broader waiver, A, we disagree</p> <p>9 with; but B, I don't think it's relevant to</p> <p>10 whether this particular document is admissible in</p> <p>11 the hearing on the specific issue of what was</p> <p>12 uncovered factually on August 31st.</p> <p>13 JUDGE HOFFMAN: Okay. I understand</p> <p>14 the objection, Mr. Woodfield. I'm going to</p> <p>15 overrule the objection. I'm going to allow the</p> <p>16 exhibit to be considered at this time, and we'll</p> <p>17 see where this goes.</p> <p>18 I'm sensitive to your objection and</p> <p>19 your concerns about fairness, and -- but I want</p> <p>20 to see how the testimony actually develops here.</p> <p>21 MR. WOODFIELD: Thank you.</p> <p>22 JUDGE HOFFMAN: Go ahead, Ms. Dunne.</p> <p>23 BY MS. DUNNE:</p> <p>24 Q. I'd like to direct your attention to</p> <p>25 the second paragraph in this e-mail starting</p>	<p style="text-align: right;">Page 396</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 with: As a result of the information.</p> <p>3 And you can read this to yourself.</p> <p>4 You don't need to read it out loud.</p> <p>5 A. Okay.</p> <p>6 Q. And were you -- was your group</p> <p>7 involved with reviewing Mr. Hansen's Tesla e-mail</p> <p>8 account?</p> <p>9 A. So at the time that Ms. Workman was</p> <p>10 conducting her inquiry, my team would not have</p> <p>11 been able to review these particular -- these</p> <p>12 particular e-mails. You know, e-mails within the</p> <p>13 Tesla domain or access to employee e-mails within</p> <p>14 the Tesla domain are extremely restricted.</p> <p>15 Currently, my team does have the</p> <p>16 ability to pull and review e-mails from Tesla</p> <p>17 employee e-mail in-boxes, but at the time we did</p> <p>18 not have that capability. It would have had to</p> <p>19 have come from one of a handful of other people</p> <p>20 that were working at the company at the time.</p> <p>21 Q. Understood. So did a member of your</p> <p>22 team or another individual within Tesla review</p> <p>23 Mr. Hansen's in-box?</p> <p>24 A. So typically, for an investigation</p> <p>25 that's being conducted by our compliance team,</p>
<p style="text-align: right;">Page 397</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 compliance does not have the ability to pull</p> <p>3 e-mail from an employee's e-mail in-box. So, you</p> <p>4 know, like I stated, one of probably three people</p> <p>5 at the company at the time would have had to have</p> <p>6 pulled these particular e-mails.</p> <p>7 What they would have done is looked</p> <p>8 for any e-mail to and from or the entire contents</p> <p>9 of, let's say, Karl Hansen's Tesla e-mail</p> <p>10 account, and they would extract that information</p> <p>11 into a PST file, which would then be provided</p> <p>12 over to, you know, Ms. Workman or somebody else</p> <p>13 from the compliance team in order to conduct a</p> <p>14 review.</p> <p>15 Q. Understood. And earlier you stated</p> <p>16 that your team regularly deals with the</p> <p>17 exfiltration of data by Tesla employees or Tesla</p> <p>18 contractors; correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. And at times when exfiltration</p> <p>21 of data is identified and your review determines</p> <p>22 that in fact the data was exfiltrated, are</p> <p>23 employees terminated for exfiltrating Tesla data?</p> <p>24 A. Certainly there have been plenty of</p> <p>25 instances where employees have been terminated</p>	<p style="text-align: right;">Page 398</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 for exfiltrating Tesla data, you know, based on</p> <p>3 evidence collected by my team's investigations.</p> <p>4 Q. And based your team's investigations,</p> <p>5 have contractors been removed from the Tesla site</p> <p>6 based on exfiltration of data?</p> <p>7 A. Certainly. Yeah, we've had instances</p> <p>8 where, you know, we identify somebody who has a</p> <p>9 Tesla e-mail account that is able to access the</p> <p>10 Tesla domain but may not be a Tesla employee.</p> <p>11 If they're not a Tesla employee, we</p> <p>12 obviously don't have the ability to take any</p> <p>13 adverse work action on them as an employer, but</p> <p>14 we can certainly go to their employer and say</p> <p>15 that they're not welcome on our site anymore.</p> <p>16 MS. DUNNE: I don't believe I have</p> <p>17 any further questions. Might I take a two-minute</p> <p>18 break off the record?</p> <p>19 JUDGE HOFFMAN: Go ahead and take two</p> <p>20 minutes off the record to make sure that you</p> <p>21 don't have any more questions. Thank you.</p> <p>22 MS. DUNNE: Thank you.</p> <p>23 (Recess taken, 11:31 a.m. to</p> <p>24 11:37 a.m. PDT)</p> <p>25 MS. DUNNE: Back on the record,</p>

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2 Your Honor?  
3 JUDGE HOFFMAN: Yes.  
4 MS. DUNNE: Mr. Nocon, thank you so  
5 much for your -- did we lose the witness?  
6 There he is. Okay.  
7 Mr. Nocon, thank you so much for your  
8 time. I have no more questions at this time.  
9 JUDGE HOFFMAN: All right. Time for  
10 cross-examination by USSA.  
11 MS. LARGENT: No questions from USSA.  
12 Thank you, Mr. Nocon.  
13 JUDGE HOFFMAN: Redirect to  
14 Mr. Woodfield.  
15 MR. WOODFIELD: Yes, please.  
16 -----  
17 EXAMINATION  
18 -----  
19 BY MR. WOODFIELD:  
20 Q. Mr. Nocon, you mentioned that you had  
21 your prior employer run a -- run background  
22 checks on employees; correct? And contractors?  
23 A. On -- of the individuals identified  
24 by Mr. Hansen, yes.  
25 Q. All right. And the absence of

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2 authentic, running background checks on those  
3 individuals that were listed on those IDs, that  
4 wouldn't be dispositive of anything, correct?  
5 A. I suppose not. But again, you know,  
6 the checks were conducted based on the  
7 information that was provided. And the direction  
8 wasn't -- or the assessment wasn't that there  
9 wasn't any criminal activity, it was that it just  
10 needed to be further developed.  
11 Q. Okay. And you said that one of three  
12 people would have pulled the data for the  
13 e-mails; correct?  
14 A. Yeah, three people that I'm aware of  
15 that would have had access to those e-mail  
16 in-boxes at the time.  
17 Q. Okay. But you don't know who or when  
18 anyone actually pulled that data; correct?  
19 A. If you're referring to the data that  
20 was likely reviewed by Valerie Workman, no, I  
21 don't know.  
22 Q. And you said someone fairly high up  
23 would have had to have asked for it.  
24 A. I'm not sure what you mean by that.  
25 Q. Well, you couldn't -- could you ask

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2 criminal records is not necessarily dispositive  
3 of -- or it's not -- it doesn't prove an absence  
4 of criminal activity; correct?  
5 A. Absolutely. That's correct.  
6 Q. And, in fact, one of the issues at  
7 the Gigafactory that Mr. Hansen had been looking  
8 into was the theft of an ID machine; is that  
9 correct?  
10 A. I'm not aware of that.  
11 Q. If there was a theft of an ID machine  
12 and people were coming onto the Gigafactory  
13 complex with fake IDs, assuming someone else's  
14 identity, running background checks would be a  
15 fruitless activity, wouldn't it?  
16 A. I mean, obviously the checks would  
17 only be as good as the information that was  
18 coming in.  
19 Now, I conducted the queries or had  
20 Nisos conduct those queries based on the  
21 information I was presented.  
22 Q. Okay. But if there was a -- if one  
23 of the ID machines that -- that was -- one of the  
24 vendors had been using had been compromised and  
25 there were IDs being produced that were not

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2 for that data at the time in July of -- in August  
3 of 2018, would you have --  
4 A. Yes.  
5 Q. -- the authority to ask for it?  
6 A. Yes. I mean, we had asked for it  
7 pursuant to investigations. But I would run  
8 that -- at the time our practice was that we  
9 would go to Todd Maron, who was the general  
10 counsel, and, you know, request authorization in  
11 order to go into somebody's account.  
12 I don't know if Valerie, as part of  
13 her investigation, as the head of compliance,  
14 would have had to go to her boss in order to ask  
15 for that permission.  
16 Q. Would Mr. Jones have had to ask for  
17 permission?  
18 A. I don't know. I'm not sure.  
19 Q. What about Mr. Musk?  
20 A. I don't know. I don't know if that  
21 would be -- if there's any policy preventing him  
22 from requesting access to that data.  
23 Q. Now, you said there were other  
24 comparators that were -- that have been  
25 terminated for exfiltrating data.



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2 Do you know if Tesla has progressive

3 discipline policy?

4 A. I don't know what a progressive

5 discipline policy is.

6 Q. Do you know if Tesla has a policy

7 that on first offenses, people get some sort of

8 lesser discipline than higher discipline, like,

9 for example, a warning, et cetera?

10 A. Certainly the company has different

11 tools at its disposal. You know, our lawyers,

12 especially our employment counsel, are very

13 conscious of ensuring that whatever the action

14 that we're taking is appropriate based on the

15 circumstances and the evidence that's been

16 collected.

17 But generally speaking, it's -- you

18 know, our policy is if you violate, you know,

19 the -- our nondisclosure agreements, if you

20 violate the business code of ethics, for most

21 violations it is up to and including termination.

22 So it could be -- it could be a written warning;

23 could be, you know, some sort of sanction; or it

24 could be a termination of employment.

25 Q. Does it also depend upon mitigating

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2 what their prior discipline record was such that

3 it warranted discipline?

4 A. Sure. So around the same time as all

5 of these e-mails that I've been shown today were

6 being drafted and sent back and forth, we had an

7 investigation into an individual in Draper, Utah,

8 who had been posting threats on Twitter, that he

9 was going to disclose confidential Tesla

10 information.

11 We were able to investigate it to

12 determine exactly which employee was associated

13 with that particular Twitter account. And in

14 looking at his background, we were able to see

15 that he had moved a significant number of

16 internal Tesla documents and data to his personal

17 Google Drive account. That employee was

18 subsequently terminated for his actions, and also

19 he was --

20 Q. What was --

21 A. Excuse me?

22 Q. Sorry, go ahead.

23 A. I was going to say, he was also

24 prosecuted by the Attorney General's Office in

25 Utah.

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2 circumstances that you could not have any

3 discipline at all?

4 A. Certainly.

5 Q. And so who makes that decision as to

6 whether someone who exfiltrates data in violation

7 of a policy receives no discipline or is

8 terminated potentially as a first offense?

9 A. That's great question. I mean,

10 ultimately, it's up to the business, whoever the

11 manager is of the employee to make the

12 determination on what particular action is taken.

13 Now, normally, the managers will

14 follow the advice of counsel. And if counsel is

15 stating that -- you know, for a particular

16 offense that, you know, we generally terminate an

17 employee for committing this type of policy

18 violation, usually managers will follow that

19 counsel's guidance.

20 Q. Can you tell me how many times people

21 have been terminated for exfiltrating data?

22 A. I can't tell you. I don't know that

23 number off the top of my head.

24 Q. Can you give me any specific examples

25 of what data has been exfiltrated by someone and

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2 Q. Was that because he was trying to

3 extort the company?

4 A. Was the prosecution because he was

5 trying to extort the company?

6 Q. Yes.

7 A. I don't believe he was ever actually

8 trying to extort the company. He was just angry

9 with the company and was threatening to disclose

10 information. Now, in his capacity as an

11 employee, he did have, you know, various claims

12 that he was trying to make, you know, regarding,

13 you know, money that he thought he was due. But

14 it was not necessarily connected to what he was

15 posting on Twitter.

16 Q. Okay. Mr. Hansen never asked for

17 money from Tesla in exchange for documents, did

18 he?

19 A. No, not that I'm aware of.

20 Q. And can you tell me any other

21 specific examples that you would hold up as a

22 comparator to Mr. Hansen?

23 A. Specific examples. Sure. So in

24 2019, we had a series of investigations that we

25 were conducting regarding Tesla solar sales

<p style="text-align: right;">Page 407</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 advisors who were taking -- exfiltrating</p> <p>3 spreadsheets of potential lead -- leads for sales</p> <p>4 as they were departing Tesla. There had been a</p> <p>5 reorganization of our energy department. They</p> <p>6 ended up getting lumped in with our vehicle sales</p> <p>7 department. There was some discontent over</p> <p>8 changes to compensation structure along with</p> <p>9 that. So many of them were looking for other</p> <p>10 employment, and as part of that, they tried to</p> <p>11 take customer logs.</p> <p>12 I can remember at least two examples</p> <p>13 where people took information that included</p> <p>14 customer PII that was stored within our systems.</p> <p>15 You know, similar to the employee or contractor</p> <p>16 PII that was in those screenshots that I saw</p> <p>17 earlier. And those individuals who were still</p> <p>18 employed at the time were exited as a result of</p> <p>19 taking that data, you know, with malicious</p> <p>20 intent.</p> <p>21 Q. And what was the malicious intent</p> <p>22 that they were intending to use it for?</p> <p>23 A. We would surmise to generate sales</p> <p>24 leads with a new solar employer, because they</p> <p>25 were all leaving for competitors.</p>	<p style="text-align: right;">Page 408</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 Q. And what was the intent that you</p> <p>3 determined, if anything, that you determined that</p> <p>4 Mr. Hansen was exfiltrating this data for?</p> <p>5 A. That's a good question. I don't</p> <p>6 know -- I can't, obviously, read Mr. Hansen's</p> <p>7 mind. You know, it certainly is bad form to --</p> <p>8 well, not only bad form. It's also a violation</p> <p>9 of our policies to move investigations data and</p> <p>10 investigations records, you know, outside of</p> <p>11 Tesla's domain. Those are records that we're</p> <p>12 supposed to maintain for -- I believe it's ten</p> <p>13 years that we're supposed to maintain those</p> <p>14 internally. They certainly are confidential, you</p> <p>15 know, documents.</p> <p>16 As to the why he would be doing that,</p> <p>17 I mean, I'm not sure. I don't know if -- what</p> <p>18 his intent would have been. It could have been</p> <p>19 trying to -- in an effort to further investigate</p> <p>20 on his own and maybe -- I don't know -- increase</p> <p>21 his bone fides with those that he was working</p> <p>22 with, but that would be pure speculation on my</p> <p>23 part.</p> <p>24 Q. So the comparators that you had given</p> <p>25 us are the individual who was looking to extort</p>
<p style="text-align: right;">Page 409</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 money from Tesla by sending the tweets talking</p> <p>3 about money being owed and was -- that the Storey</p> <p>4 County prosecutor had prosecuted, and then the</p> <p>5 individual --</p> <p>6 MS. DUNNE: Objection. You're</p> <p>7 miss --</p> <p>8 Sorry.</p> <p>9 BY MR. WOODFIELD:</p> <p>10 Q. And then the individuals who were</p> <p>11 taking the sales leads, correct?</p> <p>12 MS. DUNNE: I'm going to object,</p> <p>13 mischaracterization of testimony with regard to</p> <p>14 the subject matter of the tweets.</p> <p>15 JUDGE HOFFMAN: Okay. I understand</p> <p>16 the objection. I'm going to overrule the</p> <p>17 objection.</p> <p>18 Mr. Nocon, if you can answer, please</p> <p>19 do.</p> <p>20 MR. ROBERTSON: Sure. So that isn't</p> <p>21 what I previously testified. The tweets that</p> <p>22 were made by that prior employee were simply</p> <p>23 tweets that were made. I don't recall any</p> <p>24 attempt to extort money out of the company as</p> <p>25 part of those tweets.</p>	<p style="text-align: right;">Page 410</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 But yes, I mean, those are two</p> <p>3 examples of many that my team has investigated,</p> <p>4 you know, over the three-plus years that the team</p> <p>5 has been in existence, involving, you know, Tesla</p> <p>6 employees who have taken our property without</p> <p>7 authorization and in violation of our policies</p> <p>8 and have lost our employment as a result of it.</p> <p>9 BY MR. WOODFIELD:</p> <p>10 Q. And can you point to any other</p> <p>11 employees who filed a complaint with the SEC and</p> <p>12 then were subsequently terminated other than</p> <p>13 Mr. Hansen?</p> <p>14 A. So maybe I'm misunderstanding, but I</p> <p>15 didn't believe that Mr. Hansen was terminated</p> <p>16 following his --</p> <p>17 Q. Removed.</p> <p>18 A. -- following his --</p> <p>19 Q. Removed.</p> <p>20 A. So those exact set of circumstances?</p> <p>21 No, I can't recall any other that --</p> <p>22 that we've had involvement where somebody has</p> <p>23 gone to the SEC.</p> <p>24 Q. How long does it normally take to</p> <p>25 investigate someone? If Ms. Workman's e-mails</p>

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2 are all on August 1st, does it typically take one

3 day to investigate someone and have them removed?

4 Is that how fast Tesla normally moves to remove

5 someone?

6 A. It can. It can take hours. I mean,

7 we've -- we've been able to identify, establish,

8 and remove somebody from the property extremely

9 quickly. I mean, but it depends upon the case.

10 There have also been circumstances where an

11 investigation may run months. You know,

12 depending upon, you know, what the circumstances

13 are.

14 Q. If the instruction comes from the

15 top, from, say, Mr. Jones, get this done today,

16 that would be something that you could get done

17 today; correct?

18 A. Again, I think it would depend.

19 We've had investigations where Mr. Musk has had

20 direct visibility into what we were doing and we

21 weren't able to resolve things in a day. I mean,

22 we moved as quickly as we can, but it is going to

23 depend upon the circumstances of the

24 investigation.

25 Q. But this investigation, according to

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2 company was looking into the matter?

3 Q. Yes, in August of 2018, was

4 Mr. Hansen a contractor?

5 A. Yes, I believe so.

6 Q. And are contractors ever treated

7 differently in terms of the likelihood of asking

8 for their removal perhaps sooner than you would

9 ask for termination of an employee?

10 A. Sure. I would say that with any

11 investigation we conduct, if it's a contractor

12 that's engaged in misconduct, as soon as we've

13 been able to establish that misconduct, we'll

14 engage with the contracting company and ask

15 for -- typically ask for that person to be

16 removed.

17 MS. DUNNE: Okay. Thank you. No

18 further questions for Tesla.

19 MR. WOODFIELD: One very quick

20 question in follow-up.

21 JUDGE HOFFMAN: Go ahead.

22 \* \* \*

23 \* \* \*

24 \* \* \*

25 \* \* \*

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2 Ms. Workman's notes, took place in one day.

3 A. I don't know if that's true or not.

4 Q. Well, do you know if it actually took

5 more than one day? Because all of her notes are

6 from one day.

7 Do you know if --

8 A. I don't know.

9 MR. WOODFIELD: I have no further

10 questions.

11 MS. DUNNE: I just have one brief

12 follow-up, Your Honor.

13 -----

14 EXAMINATION

15 -----

16 BY MS. DUNNE:

17 Q. Mr. Nocon, you just discussed

18 potential ramifications of exfiltrating Tesla

19 data as to Tesla employees with Mr. Woodfield; is

20 that correct?

21 A. Yes, that's correct.

22 Q. And at this time, Mr. Hansen was a

23 contractor; is that correct?

24 A. If by "this time" you mean when we

25 were looking into this matter? Or when the tech

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2 -----

3 EXAMINATION

4 -----

5 BY MR. WOODFIELD:

6 Q. Does Ms. Workman -- what's her job?

7 A. She is, I believe, general counsel at

8 Handshake now.

9 Q. Okay. What was her job in 2018?

10 A. I believe that she was the head of

11 compliance for Tesla.

12 Q. Does she normally get involved in

13 work-a-day personnel matters?

14 A. No, I don't -- I can't speak to what

15 her job responsibilities were at the time. I

16 would imagine they were compliance issues.

17 Q. When you say "compliance issues,"

18 what do you mean?

19 A. So the types of matters that we would

20 refer to compliance would be if somebody -- if we

21 have an employee who is maybe receiving kickbacks

22 from a contractor, conflict of interest

23 investigations. Matters involving, you know,

24 other, you know, potential violations that may

25 require reporting.

<p style="text-align: right;">Page 415</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 Q. According to who?</p> <p>3 A. Reporting to regulatory bodies.</p> <p>4 Q. Like the SEC?</p> <p>5 A. Potentially.</p> <p>6 Q. Okay. Thanks.</p> <p>7 MR. WOODFIELD: No further questions.</p> <p>8 JUDGE HOFFMAN: Okay. There being no</p> <p>9 further questions of Mr. Nocon, I have no</p> <p>10 questions. Thank you very much for your</p> <p>11 testimony and you're excused and you can sign</p> <p>12 off.</p> <p>13 THE WITNESS: Thank you.</p> <p>14 JUDGE HOFFMAN: Our next witness was</p> <p>15 to be Mr. German.</p> <p>16 Ms. Largent, anything new on that?</p> <p>17 MS. LARGENT: We asked him to contact</p> <p>18 us if his job duties cleared and he became</p> <p>19 available. We haven't gotten any update yet. We</p> <p>20 will keep everyone posted as soon as we hear</p> <p>21 something with availability.</p> <p>22 JUDGE HOFFMAN: Well, in the sequence</p> <p>23 of events, Mr. Woodfield, do you have anything</p> <p>24 further from your case in chief?</p> <p>25 MR. WOODFIELD: No. Obviously we'd</p>	<p style="text-align: right;">Page 416</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 like to call Mr. German, but at this point, with</p> <p>3 that, we'll defer to Tesla to call Tesla's</p> <p>4 witnesses.</p> <p>5 JUDGE HOFFMAN: Okay. And from</p> <p>6 Tesla, what's your thoughts here? Do you want to</p> <p>7 press on? Do you have a witness standing by, or</p> <p>8 should we break for lunch, or what do think?</p> <p>9 MR. ROBERTSON: Why don't we break</p> <p>10 for lunch and we'll coordinate with our folks as</p> <p>11 to who we can get on today. But we can probably</p> <p>12 use the time to figure out where everyone is.</p> <p>13 JUDGE HOFFMAN: Okay. Then let's</p> <p>14 break for about 30 minutes. So we'll be back at</p> <p>15 the half hour.</p> <p>16 MR. ROBERTSON: Perfect. Thank you,</p> <p>17 Your Honor.</p> <p>18 JUDGE HOFFMAN: Thank you.</p> <p>19 MR. WOODFIELD: Thank you.</p> <p>20 (Recess taken, 11:57 a.m. to</p> <p>21 12:31 p.m. PDT)</p> <p>22 JUDGE HOFFMAN: Are we ready to</p> <p>23 proceed? I'm going to go ahead and let</p> <p>24 Ms. Ferrua in.</p> <p>25</p>
<p style="text-align: right;">Page 417</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 Good afternoon, Ms. Ferrua. I'm</p> <p>3 Judge Hoffman. Can you hear me okay?</p> <p>4 THE WITNESS: Yes, I can. Hello.</p> <p>5 JUDGE HOFFMAN: Okay. Hello. We're</p> <p>6 going to go on the record now, and you'll be</p> <p>7 sworn in as a witness.</p> <p>8 All right, Deb, on the record.</p> <p>9 Please swear in the witness.</p> <p>10 -----</p> <p>11 JENNA RAE FERRUA,</p> <p>12 having been duly sworn,</p> <p>13 testified as follows:</p> <p>14 -----</p> <p>15 EXAMINATION</p> <p>16 -----</p> <p>17 BY MR. ROBERTSON:</p> <p>18 Q. Good morning or afternoon,</p> <p>19 Ms. Ferrua, depending on where people are.</p> <p>20 A. Good afternoon.</p> <p>21 Q. Can you state your full name for the</p> <p>22 record, please.</p> <p>23 A. Jenna Rae Ferrua.</p> <p>24 Q. And, Ms. Ferrua, where do you</p> <p>25 currently work?</p>	<p style="text-align: right;">Page 418</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 A. I work in Austin, Texas, at</p> <p>3 Gigafactory, Tesla.</p> <p>4 Q. How long have you been an employee at</p> <p>5 Tesla?</p> <p>6 A. Four years and a month.</p> <p>7 Q. So if my math is right, you started</p> <p>8 in 2018?</p> <p>9 A. Yes.</p> <p>10 Q. And what is your current position at</p> <p>11 Tesla?</p> <p>12 A. I'm a senior manager, HR.</p> <p>13 Q. How long have you held that title?</p> <p>14 A. Since July 2020.</p> <p>15 Q. And before that, what was your title?</p> <p>16 A. Senior HR partner.</p> <p>17 Q. Did you have any other titles while</p> <p>18 you were at Tesla?</p> <p>19 A. Yes. HR partner.</p> <p>20 Q. Is that the somewhat natural</p> <p>21 progression of an HR partner, senior HR partner,</p> <p>22 senior manager?</p> <p>23 A. Yes.</p> <p>24 A little bit of a jump, but yes.</p> <p>25 Q. Congratulations.</p>

<p style="text-align: right;">Page 419</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 A. Thank you.</p> <p>3 Q. So going back to 2018, can you just</p> <p>4 describe generally for the arbitrator what your</p> <p>5 day-to-day responsibilities were in your position</p> <p>6 as HR partner?</p> <p>7 A. Yes. My day-to-day job duties</p> <p>8 consisted of employee changes in the system,</p> <p>9 whether that be from pay changes to promotions to</p> <p>10 location changes, in addition to handling any</p> <p>11 employee issues and concerns that were raised. I</p> <p>12 would do the in-takes and I would be listening to</p> <p>13 the employees and working with my respective</p> <p>14 groups that I was overseeing at that time.</p> <p>15 Q. And in addition to employees, did you</p> <p>16 have involvement with any of Tesla's contractor</p> <p>17 relationships?</p> <p>18 A. If the organization had contractors,</p> <p>19 then we would work with the respective</p> <p>20 contractor's account manager.</p> <p>21 Q. And so, Ms. Ferrua, can you just</p> <p>22 generally explain how HR works with legal and</p> <p>23 compliance in connection with the potential</p> <p>24 either discipline or the potential decision with</p> <p>25 regard to an employee to either discipline them</p>	<p style="text-align: right;">Page 420</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 or terminate their employment?</p> <p>3 A. Yes. HR is anything that is employee</p> <p>4 facing, and we are there to support the business</p> <p>5 and be there for the business when any</p> <p>6 disciplinary actions come into place or if we</p> <p>7 need to do terminations, devotions, corrective</p> <p>8 action.</p> <p>9 With compliance, right, compliance</p> <p>10 ensures that the rules are being upheld within</p> <p>11 the company, and then HR's job is to ensure that</p> <p>12 employees are following the rules within the</p> <p>13 company. So what usually would happen is if</p> <p>14 there were something that came up from a</p> <p>15 compliance perspective and we needed to address</p> <p>16 the employee, compliance would reach out to HR</p> <p>17 and then HR would connect with the employee.</p> <p>18 Q. And in your role, did you have --</p> <p>19 were you connected with any particular groups of</p> <p>20 employees or departments?</p> <p>21 A. Yes. The -- at the time, in 2018, I</p> <p>22 oversaw -- sorry, I was the recruiting -- sorry,</p> <p>23 the HR partner for recruiting and security.</p> <p>24 Q. And can you just generally explain</p> <p>25 what recruiting and security are?</p>
<p style="text-align: right;">Page 421</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 A. Yes. Recruiting essentially attracts</p> <p>3 the talent that we have for our company. They</p> <p>4 source, they go out and hunt essentially for</p> <p>5 talent and personnel at Tesla. And security</p> <p>6 protects the employees at Tesla.</p> <p>7 Q. And we've heard the term -- prior in</p> <p>8 this proceeding, the term "recruiter" within</p> <p>9 Tesla.</p> <p>10 Can you just generally explain what a</p> <p>11 recruiter does and what their responsibilities</p> <p>12 are?</p> <p>13 A. Yeah. A recruiter would -- they're</p> <p>14 in charge of X amount of requisitions that we</p> <p>15 have, which means how many, you know, open jobs</p> <p>16 that we have at Tesla. And therefore, they're</p> <p>17 assigned to sourcing and finding individuals that</p> <p>18 fit this job description based on their job</p> <p>19 qualifications.</p> <p>20 Q. And in 2018 -- and you may or may not</p> <p>21 know this. This may not be a fair question.</p> <p>22 But just generally, I mean, how many</p> <p>23 applications for employment at different</p> <p>24 positions within the groups you were involved</p> <p>25 with generally were there?</p>	<p style="text-align: right;">Page 422</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 A. I don't know, but thousands,</p> <p>3 definitely, for each req that recruiters had to</p> <p>4 source through. And we had our own sourcing</p> <p>5 team, per req as well, requisition.</p> <p>6 Q. Is it fair to say that the Tesla jobs</p> <p>7 were highly competitive?</p> <p>8 A. Yes. Still are.</p> <p>9 Q. And, Ms. Ferrua, do you recall having</p> <p>10 any -- or the name Karl Hansen in 2018 coming to</p> <p>11 your attention?</p> <p>12 A. Yes.</p> <p>13 Q. And let's go to Exhibit 157.</p> <p>14 We're just pulling up a document,</p> <p>15 Ms. Ferrua. It will take us a second.</p> <p>16 So, Ms. Ferrua, I've put a document</p> <p>17 up on the screen. It's been identified as joint</p> <p>18 Exhibit 157. It's an e-mail exchange, it</p> <p>19 appears, between Richard Clark, Ricky Gecewich,</p> <p>20 and Jeff Jones and yourself.</p> <p>21 Do you see that?</p> <p>22 A. I do.</p> <p>23 Q. And again, taking us back -- and this</p> <p>24 is dated August 9, 2018; is that correct?</p> <p>25 A. Yes.</p>



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2 Q. Do you recall who Richard Clark was

3 at that time?

4 A. I know he was a security contact for

5 university security.

6 Q. And when you say "university

7 security," what do you mean?

8 A. Sorry, the -- our contracted service

9 that we use, our third party for our service,

10 security service.

11 Q. And at that time do you know who

12 Jeff Jones was?

13 A. Yes. He was the leader of security.

14 Q. And then Mr. Gecewich, what was his

15 position?

16 A. He was an employee relations partner.

17 Q. And this e-mail seems to indicate a

18 request by Mr. Gecewich to meet with Mr. Hansen.

19 Do you recall around the second week

20 of August there being a request by Mr. Gecewich

21 to meet with Mr. Hansen?

22 A. Not until seeing this e-mail.

23 Q. Okay. So other than what's in this

24 e-mail, you don't have any specific recollection

25 of this request to meet with Mr. Hansen?

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2 BY MR. ROBERTSON:

3 Q. And, Ms. Ferrua, do you recall later

4 that month, in August of 2018, an issue coming up

5 with regard to Mr. Hansen?

6 A. Yes.

7 Q. And just to the extent you can, what

8 do you recall happened later in the month of

9 August 2018 with regard to Mr. Hansen?

10 A. Yeah, I was brought in at the tail

11 end of this, where Yusuf Mohamed was our -- he

12 was our managing counsel, he was the legal

13 person, and he had called to let me know that

14 there was an investigation that was involving

15 Mr. Hansen, specifically that the -- he was

16 exfiltrating, you know, confidential and

17 proprietary documents from his Tesla account to

18 his personal account.

19 The documents were anything from,

20 like, badge records to photos within the factory,

21 like, footage that we had from our security

22 cameras and pictures of, like, a driver's license

23 that he had sent to himself outside of Tesla.

24 And that is a policy violation, when

25 employees do that, so -- and it violated

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2 A. No, I do not.

3 Q. Okay. But you as an HR

4 representative were involved in these

5 communications; is that correct?

6 A. Yes, that's correct.

7 Q. And is that -- I'm sorry. Go ahead.

8 A. No, go ahead.

9 Q. I was just going to say, is that

10 fairly typical --

11 A. Yes.

12 Q. -- to the extent that the contractor

13 or employee is being asked to meet with someone

14 from Tesla, that an HR person would be called?

15 A. Yes, and that's from the employer

16 relations team. So any time they are reaching

17 out to an employee, they have to include their

18 respective HR partner.

19 MR. ROBERTSON: I'd move joint

20 Exhibit 157 in.

21 MR. WOODFIELD: No objection.

22 JUDGE HOFFMAN: Okay, 157 is in.

23 (Whereupon, Exhibit 157 was

24 received.)

25 \* \* \*

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2 specifically our Tesla Code of Conduct and Code

3 of Business and Ethics policy.

4 And at the time, Yusuf, Valerie,

5 Jeff Jones, legal, HR, and the business

6 collectively had decided that Karl needed to be

7 removed from the site due to the policy

8 violations.

9 Q. If we go to Exhibit 187. Joint

10 Exhibit 187.

11 This appears to be an e-mail from you

12 to Yusuf Mohamed, Ms. Workman, Jeff Jones, dated

13 August 31, 2018.

14 Do you see this?

15 A. Yes.

16 Q. And this is an e-mail from you to

17 these folks on that date; is that right?

18 A. Correct.

19 Q. It references a: Just spoke with Rick

20 from U.S. Security.

21 Do you see that?

22 A. Yes, I do see that.

23 Q. Do you know who that was?

24 A. I don't know specifically, but it was

25 definitely Rick which would be the contact from

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2 U.S. Security.

3 Q. And again, with you as the HR person,

4 was that standard practice with a contractor to

5 reach out to your contact at the contractor?

6 A. Yes. So that HR -- or Tesla, if

7 there was ever any issues with our contractors,

8 it was always done by their company. Tesla never

9 had any sort of disciplinary action or

10 termination conversations with the respective

11 employees. It was always done by their leader.

12 Q. And how common -- and I know, again,

13 not a fair question, but does this happen from

14 time to time that contractor employees violate

15 Tesla policies and are instructed with regard to

16 that particular claim?

17 A. Yes.

18 Q. And do you know, does Tesla make any

19 recommendation or determination with a contractor

20 about the employees' employment with the

21 contractor as opposed to just being located at

22 Tesla?

23 A. No, our recommendation is just we

24 want them removed from the site.

25 Q. And is that what happened here?

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2 Do you see that?

3 A. Yes, I do.

4 Q. Do you recall this communication

5 which is dated September 4, 2018?

6 A. Do I recall the e-mail or just the

7 conversation between --

8 Q. Either -- either or both.

9 A. The e-mail. But the conversation, I

10 don't recall of -- who did it.

11 Q. But was it your understanding that as

12 of September 4th, Mr. German had spoken to

13 Mr. Hansen and he would no longer be on the Tesla

14 property?

15 A. Correct.

16 Q. And did you ever personally have any

17 direct interaction with Mr. Hansen?

18 A. No.

19 Q. Your only interaction was with USSA

20 to communicate Tesla's decision; is that right?

21 A. Yes. Correct.

22 Q. And subsequent to this communication

23 with USSA, do you recall any further

24 communications that you had with regard to

25 Mr. Hansen?

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2 A. Yes. This was not asking to term.

3 It was just saying we no longer want him to be

4 working on our site due to the policy violations.

5 MR. ROBERTSON: I'll move 187 in.

6 MR. WOODFIELD: No objection.

7 JUDGE HOFFMAN: 187 is in.

8 (Whereupon, Exhibit 187 was

9 received.)

10 MR. ROBERTSON: Let's go to 189.

11 BY MR. ROBERTSON:

12 Q. And while that document is being

13 pulled up, Ms. Ferrua, you were not involved in

14 the actual underlying investigation, were you?

15 A. No, I was not.

16 Q. So whatever information you learned

17 about the investigation came from Ms. Workman and

18 Mr. Mohamed?

19 A. Correct.

20 Q. So I'm pulling up what's been

21 identified as Exhibit 189. Joint Exhibit 189,

22 this appears to be an e-mail. At the bottom it

23 looks to be from Mr. Jones to Matt German at

24 U.S. Security and then rolls up to Mr. German to

25 Mr. Jones and yourself.

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2 A. Not that I can recall.

3 Q. Let me pull up --

4 JUDGE HOFFMAN: Are you going to move

5 in 189?

6 MR. ROBERTSON: Oh, yes. Thank you,

7 Your Honor.

8 MR. WOODFIELD: No objection.

9 JUDGE HOFFMAN: 189 is in.

10 (Whereupon, Exhibit 189 was

11 received.)

12 MR. ROBERTSON: Pull up 42. I think

13 it's already in.

14 BY MR. ROBERTSON:

15 Q. I'm pulling up document 42,

16 Ms. Ferrua, which is already in.

17 This is an e-mail dated July 3rd.

18 And appreciating that you are not on this e-mail,

19 I just want to ask you some questions about some

20 of the attachments.

21 Do you know what a badging record is?

22 A. Yes.

23 Q. Can you just briefly describe what a

24 badging record is?

25 A. Yes. The badging record is what

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1 Hansen v. Elon Musk - Arbitration Day 2  
2 tells us when an employee has physically badged  
3 in on-site. So they have to swipe in with their  
4 badge and swipe out when they have left for the  
5 day, whether it be a lunch break as well. That's  
6 what a badging record shows us.  
7 Q. And does a badging record have  
8 personal information about the individual, either  
9 an employee or contractor?  
10 A. Yes.  
11 Q. And would you consider the badging  
12 records of employees from an HR perspective to be  
13 confidential information?  
14 A. Yes.  
15 Q. Confidential to Tesla?  
16 A. Yes.  
17 Q. Would you consider it a violation if  
18 an employee was removing badging records from the  
19 facility and sending them to their personal  
20 e-mail?  
21 A. Yes.  
22 MR. ROBERTSON: Your Honor, can I  
23 just have literally the obligatory two minutes?  
24 I think I'm done, but let me make sure.  
25 JUDGE HOFFMAN: Go ahead.

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2 Mr. Mohamed reached out to you?  
3 A. Yes.  
4 Q. And in 2018, how many employees were  
5 there at Tesla as far as you know? Overall, in  
6 the company.  
7 A. I don't remember exactly, but we had  
8 just gone through some RIFs. 70,000?  
9 Q. 70,000?  
10 A. Maybe.  
11 Q. Okay. And you said that there was a  
12 call. And Jeff Jones, what was his title at the  
13 time?  
14 A. Director of security.  
15 Q. In fact, wasn't his title at the time  
16 global head of security?  
17 A. That makes sense. We changed titles  
18 a little bit.  
19 Q. And Valerie Workman, her title at the  
20 time was chief of -- or of compliance?  
21 A. Head of compliance.  
22 Q. And then Yusuf's title, he was what?  
23 A. He was DGC, deputy general counsel.  
24 Q. And Mr. Hansen was a contractor,  
25 hourly security guard in Reno, Nevada; right?

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2 (Recess taken, 12:52 p.m. to  
3 12:55 p.m. PDT)  
4 JUDGE HOFFMAN: Back on.  
5 MR. ROBERTSON: Thank you,  
6 Ms. Ferrua. I have nothing further. Appreciate  
7 your time.  
8 JUDGE HOFFMAN: Cross-examination  
9 from Mr. Woodfield.  
10 MR. WOODFIELD: Thank you, sir.  
11 -----  
12 EXAMINATION  
13 -----  
14 BY MR. WOODFIELD:  
15 Q. Ms. Ferrua, my name is Nick Woodfield  
16 and I represent Mr. Hansen in this matter.  
17 You said that you had a conversation  
18 with Yusuf Mohamed about Mr. Hansen exfiltrating  
19 accounts. When was that conversation?  
20 A. August 31, 2018.  
21 Q. And do you know when Mr. Mohamed  
22 first investigated anything about Mr. Hansen,  
23 anything Mr. Hansen might have done?  
24 A. I don't.  
25 Q. Was August 31st the first time

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2 A. Yes.  
3 Q. Do you normally have calls with the  
4 assistant -- or the deputy general counsel, head  
5 of compliance and global head of security to make  
6 a termination decision?  
7 A. Sometimes.  
8 Q. And what sort of "sometimes" warrant  
9 that kind of situation for someone who's an  
10 hourly security guard?  
11 A. It was based on business groups they  
12 supported. So it was the same structure like HR.  
13 We had different business groups that we  
14 supported.  
15 Q. Do you -- how many times did you  
16 speak with Mr. Jones in 2018, do you think?  
17 A. A lot. I was his HR partner for his  
18 organization.  
19 Q. How many terminations did you work on  
20 with him, do you think?  
21 A. A lot as well. I don't have the  
22 exact number.  
23 Q. When you say "a lot," are you talking  
24 about like 200? Are you talking about 5? What's  
25 a lot?

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2 A. I would say it was 150.

3 Q. And how many terminations did you

4 work on with Valerie Workman?

5 A. In 2018?

6 Q. Yes.

7 A. Or in total?

8 Q. In 2018.

9 A. I can't remember.

10 Q. Well, give me a ballpark. Like one?

11 A. Five.

12 Q. Okay. Five. And you -- how many

13 times did you work with her in total on

14 terminations?

15 A. I would say the same five. If it was

16 regarding compliance and investigation that she

17 was investigating, then she would be a part of

18 that discussion.

19 Q. So Mr. Hansen and four other people

20 would be the compliance issues.

21 And when you say "compliance issues,"

22 that's like SEC compliance issues; right?

23 A. No, it's anything that is -- if it

24 violated our policy as it pertained to like any

25 sort of regulatory trade or anything that was --

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2 we had -- or taking anything that was

3 confidential to Tesla and they were sending it

4 outside of Tesla. Because the perception was

5 that was not okay to do that.

6 There had to be a bad reason if it

7 was being sent outside of Tesla to a personal

8 account.

9 Q. How many times did you work with

10 Jeff Jones and Valerie Workman and Yusuf Mohamed

11 on a termination?

12 A. I can't remember. Quite a bit.

13 Q. Like quite a bit would be like 70?

14 Or 100? Or 1?

15 Other than Mr. Hansen, can you name

16 one other person you worked with them on?

17 A. In 2018?

18 Q. Yeah.

19 A. I can't remember the names

20 specifically.

21 Q. Can you remember the names of anyone

22 ever that you worked with Ms. Workman, Mr. Jones,

23 Mr. Mohamed, where you brought that kind of fire

24 power to bear to terminate someone?

25 MR. ROBERTSON: Objection, just to

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2 if they were taking documents and sending it to

3 their -- themselves. I mean, even if it could

4 be -- maybe theft as well. It was anything

5 really that was violating our policy at the

6 company.

7 Q. So anything violating a policy at the

8 company, you would go to compliance?

9 A. Sometimes, yes.

10 Q. With 70,000 people, anybody violating

11 a policy went to compliance?

12 A. Sometimes.

13 Q. Tell me what -- I'm trying to figure

14 out how that's workable over a tenure of years,

15 because people -- what policies escalate to

16 compliance, someone of Ms. Workman's level?

17 A. If there were -- a lot of it was

18 related to cyber, anything that was happening

19 that could have been exposing Tesla.

20 Anything that we had that -- you

21 know, if there was like training material that

22 was being shared to other businesses, if there

23 was -- yeah, any like tax violations; but a lot

24 of it at the time in 2018 from what I was a part

25 of was employees that were taking documents that

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1 Hansen v. Elon Musk - Arbitration Day 2

2 the characterization.

3 BY MR. WOODFIELD:

4 Q. You can go ahead.

5 A. I don't remember exactly. There was

6 a couple of names that -- Martin Tripp, perhaps,

7 was a name. I really can't recall some of the

8 names that we've had.

9 Q. Do you remember whether

10 Martin Tripp -- do you remember if Martin Tripp

11 was someone that Tesla prosecuted subsequently?

12 A. I don't know.

13 Q. Did anyone ever tell that you Mr. --

14 that Mr. Hansen had filed a -- what's called a

15 TCR, a tips complaints -- a TCR, a document or a

16 report with the SEC?

17 A. Not that I can recall.

18 Q. Did Ms. Workman ever tell you that he

19 had raised allegations with the SEC saying that

20 things should be reported to shareholders?

21 A. Not that I can recall.

22 Q. Is that something you would have

23 wanted to know, that he had filed an SEC TCR two

24 weeks earlier, when he was being terminated?

25 A. I think that's irrelevant since he

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1 Hansen v. Elon Musk - Arbitration Day 2  
2 violated the policy. We just need to know if he  
3 didn't comply to Tesla's...  
4 Q. So, like, if someone had filed -- and  
5 let's make sure -- I want to understand that,  
6 because you do HR work, right? If someone files  
7 a -- like, say, a discrimination complaint, and  
8 then two weeks later, you find out they violated  
9 a policy, the person they say violated -- the  
10 person that they alleged violated a policy -- the  
11 person they say did something wrong,  
12 subsequently, say they violated policy, wants  
13 them terminated, is that -- forgive me. Let me  
14 back that up. We'll start fresh.  
15 Do you know if Tesla has  
16 antiretaliation policies?  
17 A. We do have that, yes.  
18 Q. Do you know if Tesla has a Dodd-Frank  
19 antiretaliation policy?  
20 A. I don't know what that means.  
21 Q. Do you know if Tesla has a SOX  
22 retaliation policy?  
23 A. Not that I'm aware of.  
24 Q. Do you know if Tesla has Dodd-Frank  
25 or SOX retaliation policy -- well, you know what

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2 you ever see the actual physical results of any  
3 investigation made into Mr. Hansen?  
4 A. Did I see results?  
5 Q. Yeah, did you actually see, like, any  
6 report that Ms. Workman produced?  
7 A. Not that I can recall.  
8 Q. And do you know who actually asked  
9 Ms. Workman to investigate?  
10 A. I don't know.  
11 Q. Do you know when she was asked to  
12 investigate?  
13 A. I don't know.  
14 Q. And do you know if anyone asked  
15 Ms. Workman to investigate and find a preordained  
16 result?  
17 A. I don't know that.  
18 Q. Okay. Did Ms. Workman ever tell you  
19 that -- or how long the investigation took?  
20 A. No.  
21 Q. When you process on people for  
22 removal from facilities, do you normally try and  
23 document what investigation took place?  
24 A. Yes.  
25 Q. And did you do that here?

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2 Title VII is, right? And I don't want to be  
3 flip. You're HR, you know what Title VII  
4 discrimination is, right?  
5 A. Yes.  
6 Q. You know it's illegal to discriminate  
7 against someone who files a protected complaint,  
8 like a discrimination complaint; right?  
9 A. Yes.  
10 Q. So if someone files a complaint of  
11 discrimination and two weeks later they're --  
12 their boss wants them terminated, do you want to  
13 know that they've engaged in protected activity  
14 two weeks earlier, even if perhaps they did  
15 something that possibly warrants termination two  
16 weeks later? Would you want to know that?  
17 A. Possibly.  
18 Q. Why?  
19 A. Because we'd want to look into  
20 anything that is brought forward to us. If  
21 there's anything that came after the fact -- if  
22 any information is brought to us after the fact  
23 that there was a decision made to terminate, we  
24 would still look into it.  
25 Q. Do you know if there was ever -- did

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2 A. We have the documentation from  
3 Valerie, so then we would attach it into the  
4 system once the respective employee was being  
5 removed from the site.  
6 Q. When you say you got the respective  
7 documentation from Valerie, what was it you got  
8 from Valerie?  
9 A. We got the documentation that she  
10 had -- had this investigation; from this  
11 investigation, this is what she confirmed, that  
12 there were documents that had been exfiltrated  
13 out from Tesla to a personal e-mail account.  
14 Q. And when you say that was -- did --  
15 I've seen three e-mails she sent on August 31st.  
16 A. It was on August 31st, that is  
17 correct.  
18 Q. Is it the three e-mails she sent?  
19 Do you know what you -- what are you  
20 talking about? I'm trying to figure out what she  
21 sent you that's Tesla's documentation of any  
22 investigation.  
23 A. It was an e-mail that she sent to  
24 myself and Yusuf regarding that she had looked  
25 into an investigation. One -- do you want me to



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2 tell you the number? Is that what you're asking

3 for?

4 Q. Do you know what it is?

5 A. It's an e-mail that she had sent.

6 Q. Hold on one second.

7 MR. WOODFIELD: Court's indulgence

8 for one moment, sir.

9 Would you do me a favor, Anne, and

10 put up -- I think it's 201. I'm looking for it

11 right now.

12 MR. ROBERTSON: Which document?

13 MS. DUNNE: I don't think you want

14 201, Nick.

15 MR. WOODFIELD: No, which one is

16 it -- I'm trying to remember which number it is.

17 Is it -- the -- it's the three of

18 them. They're successive.

19 MS. DUNNE: 187, 188, and 189.

20 MR. WOODFIELD: Okay. Let me pull

21 that up. Thank you.

22 BY MR. WOODFIELD:

23 Q. I'm showing you right now, one --

24 document No. 187.

25 A. Yes.

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2 investigation was taking place during the

3 complaint, from what I understand.

4 Q. But would you have wanted to know --

5 I mean, there doesn't -- do you know if any

6 investigation actually took place before the

7 complaint -- the SEC complaint was filed.

8 A. Not that I'm aware of.

9 Q. Because of the August 31st document.

10 Moreover, I've got a question.

11 Mr. Hansen was on Fox News on August 29th. And

12 I'm wondering if there's any -- if you saw

13 anything before August 29th.

14 A. No.

15 Q. Okay. Did anyone tell you that

16 Mr. Hansen had been on Fox News talking about his

17 SEC TCR leveled against Tesla and Elon Musk?

18 A. No.

19 Q. Did anyone mention whether Elon Musk

20 was upset about this?

21 A. No.

22 Q. Did anyone mention that this was not

23 needed in this difficult time where Tesla was

24 having a difficult time and this was not -- this

25 issue that Mr. Hansen was raising was really not

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2 Q. Is this the extent of the

3 investigation that you're aware of that

4 Valerie Workman performed?

5 A. Yes.

6 Q. And this is an e-mail that you --

7 you're forwarding. I've got 188.

8 This is an e-mail that was sent at

9 12:23 on August 31st.

10 This is 189.

11 Let's see if I can get a better image

12 of it, but...

13 But is this the extent of the

14 investigation, as far as you know it, by

15 Ms. Workman?

16 A. Yes.

17 Q. And you know nothing further about

18 who asked her to investigate, when they started

19 it, what she did, et cetera?

20 A. No, I do not.

21 Q. Would you have wanted to know that

22 Mr. Hansen filed a complaint with the SEC three

23 weeks earlier?

24 A. I mean, it's helpful to know, but

25 it's still -- this was what happened. And the

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2 needed at this moment?

3 A. No.

4 Q. Are you aware of an individual named

5 Jacob Nocon?

6 A. Yes.

7 Q. If Jacob Nocon said that in August of

8 2018, it was a very hard time for Tesla, would

9 you disagree?

10 A. No.

11 Q. And why is that?

12 A. Because we were going through --

13 Tesla was going through a reduction in forces.

14 And we had a few that year.

15 Q. Okay. And in August especially, was

16 that a difficult time?

17 A. I believe so, because RIFs were

18 starting in May of 2018 and continued throughout

19 the year.

20 Q. And was that right around the time

21 that Elon Musk had tweeted that he was looking at

22 a private equity buyout of the stock?

23 MR. ROBERTSON: Objection --

24 A. I don't recall.

25 \* \* \*

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2 BY MR. WOODFIELD:

3 Q. Were you surprised when

4 Valerie Workman, Jeff Jones, Yusuf Mohamed all

5 got together and terminated Mr. Hansen, an

6 individual, in one day?

7 MR. ROBERTSON: Objection.

8 A. They didn't terminate him, though.

9 They asked for him to be removed from the site.

10 BY MR. WOODFIELD:

11 Q. That it all came to a head in about

12 two hours? Were you surprised that this -- that

13 these individuals came in this fast on this one

14 issue?

15 A. No.

16 Q. Do you know who actually made the

17 decision to remove Mr. Hansen?

18 A. It was collective. It was between

19 legal, the business, and HR.

20 Q. So if I was to put like a pin on

21 someone, like a name tag that said, hello, my

22 name is -- and I was to put it on someone's

23 jacket, who would I put it on? Because everyone

24 says it's collective. But who is the guy or the

25 woman that I would put it on? Who actually made

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2 that's marked as 188, Valerie Workman --

3 August 31, 2018, 12:23 p.m., that provided this

4 information? Is this what you all considered?

5 A. We received that e-mail, and then

6 there was a phone call that I received from

7 Yusuf.

8 Q. And did Yusuf tell you some separate

9 information?

10 A. Nothing separate than what is on

11 here.

12 Q. So this is all the information you

13 relied on?

14 A. Yes.

15 Q. And the decision was then made by

16 you, Ms. Workman, Mr. Mohamed, and Mr. Jones?

17 A. Correct.

18 Q. And did someone sign a document? Was

19 there someone who was, you know, the titular

20 responsible person or was it signed -- did you

21 all -- is there a -- an actual responsible party

22 or was the decision attributable to the four of

23 you? How does that work?

24 A. There was no signed document. There

25 was a decision, like I said, collectively, that

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2 the decision to remove Mr. Hansen? Do you know?

3 A. It wasn't one person; it's a

4 collective decision.

5 Q. So name the individuals in legal and

6 HR -- who were the people that if we were to say,

7 these are the people who made the decision, then

8 I want to know the factors that were involved?

9 So who made the decision?

10 A. Yusuf Mohamed, Valerie Workman,

11 Jeff Jones, the business leader; and HR, myself,

12 Jenna.

13 Q. When was the decision made?

14 A. August 31st.

15 Q. At what time?

16 A. I don't recall the exact time. Right

17 after I sent the e-mail to one of the Ricks.

18 Q. Okay. And when you say "one of the

19 Ricks," what is one of the Ricks?

20 A. It would have been the

21 U.S. Security -- U.S. Security contact.

22 Q. Okay. You're talking about the

23 e-mail that is -- it looks like I'm looking at --

24 Well, let me ask you: Was the

25 decision made after you received this e-mail

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2 was made, based on the findings of the

3 investigation and based on the policies that were

4 violated, and therefore, I made the decision to

5 have Mr. Hansen no longer working on our site.

6 Q. And did anyone ask Ms. Workman

7 whether there were any mitigating factors?

8 A. Not that I'm aware of.

9 Q. Did anyone ask Ms. Workman why she

10 was investigating this?

11 A. Not that I'm aware of.

12 Q. Did anyone ask Ms. Workman who

13 prompted the investigation?

14 A. Not that I'm aware of.

15 Q. Did anyone ask Ms. Workman who asked

16 her to investigate it?

17 A. Not that I'm aware of.

18 MR. WOODFIELD: I don't have any

19 further questions for this witness, Your Honor.

20 JUDGE HOFFMAN: All right.

21 Cross-examination by USSA?

22 MS. LARGENT: No questions from USSA.

23 JUDGE HOFFMAN: All right. Redirect

24 by Tesla?

25 \* \* \*

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2 -----

3 EXAMINATION

4 -----

5 BY MR. ROBERTSON:

6 Q. Yeah, just one question, Ms. Ferrua.

7 You were asked about Title VII and

8 other ways employees might be protected. If

9 someone is protected, for whatever reason, does

10 that give them tenure? They have a lifetime job?

11 A. No.

12 Q. And what kind of things could happen

13 after they are protected that would potentially

14 give a company like Tesla the right to take

15 disciplinary action?

16 A. Sorry, can you repeat the question?

17 I'm sorry.

18 Q. Sure. Sure. What kinds of things

19 might, from an HR perspective, give Tesla reason,

20 even after someone is protected, to potentially

21 take disciplinary action?

22 A. I mean, anything from -- I mean,

23 really it comes down to our policy violations.

24 And, yeah, if it's a policy violation, that would

25 really come to it, or anything that was harming

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2 So maybe we could take maybe like ten

3 minutes and then we can see. So we're now into

4 witnesses on our side that are no longer

5 employees, so we kind of have to work with the

6 individuals a little bit.

7 JUDGE HOFFMAN: Sure. Understand.

8 Well, let's take a break until -- here it's 1 --

9 until 1:35.

10 MR. ROBERTSON: Great. Thank you.

11 (Recess taken, 1:23 p.m. to

12 1:38 p.m. PDT)

13 JUDGE HOFFMAN: Any luck finding a

14 witness?

15 MR. ROBERTSON: Yes. I think

16 Ms. Workman should be logging in.

17 JUDGE HOFFMAN: Okay. Good.

18 MR. ROBERTSON: But that's probably

19 all we've got for today. We did our best, so...

20 (Discussion off the record.)

21 JUDGE HOFFMAN: Okay. There she is.

22 Ms. Workman. Can you hear me okay?

23 THE WITNESS: Yes.

24 JUDGE HOFFMAN: I'm Judge Hoffman.

25 I'm the arbitrator in this case. And you have

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2 the company or doing something that would expose

3 the company. So anything, like I said, that

4 was leaking anything out regarding confidential

5 and proprietary information.

6 MR. ROBERTSON: Thank you. That's

7 all I have.

8 JUDGE HOFFMAN: All right. I have no

9 questions.

10 Ms. Ferrua, thank you very much for

11 your testimony. You're excused and you can go

12 ahead and sign out.

13 THE WITNESS: Thank you.

14 JUDGE HOFFMAN: Next witness from

15 Tesla?

16 MR. ROBERTSON: So I take it are we

17 doing Mr. German now tomorrow? Is that the --

18 MS. LARGENT: Yeah, we still don't

19 have any update from him. We've asked him to get

20 in touch with us as soon as he has availability,

21 and that hasn't happened yet. Sorry for the

22 inconvenience.

23 MR. ROBERTSON: Yeah. We're

24 similarly figuring out our -- trying to reach

25 Ms. Workman.

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2 been called as a witness. And so we're going to

3 go on the record and the court reporter is going

4 to swear you in.

5 THE WITNESS: Yes, sir.

6 -----

7 VALERIE CAPERS WORKMAN,

8 having been duly sworn,

9 testified as follows:

10 -----

11 EXAMINATION

12 -----

13 BY MR. ROBERTSON:

14 Q. Good afternoon, Ms. Workman.

15 A. Good afternoon.

16 Q. Can you just state and spell your

17 full name for the record, please?

18 A. Sure. Valerie Capers Workman,

19 V-A-L-E-R-I-E, C-A-P-E-R-S, W-O-R-K-M-A-N.

20 Q. And, Ms. Workman, where are you

21 currently employed?

22 A. I am employed in the office out of

23 Austin, Texas, where I am at right now.

24 Q. Excellent.

25 And what's your current position in

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2 your current job?  
3 A. I am a chief legal officer for a  
4 privately held company.  
5 Q. And did you previously work at Tesla?  
6 A. I did.  
7 Q. For what time frame did you work at  
8 Tesla?  
9 A. From approximately February 2018 to  
10 December -- January 2022. Approximate.  
11 Q. And what was your position when you  
12 started -- at the end and then I'll back up.  
13 When you left Tesla, what was your  
14 position?  
15 A. I was vice president of --  
16 Q. You're breaking up a little bit.  
17 A. I'm sorry, vice president, people.  
18 Q. What was the time frame that you held  
19 that job?  
20 A. Approximately August '20 to the time  
21 I left.  
22 Q. And prior to that, what was your  
23 position? Prior to August of 2020.  
24 A. I was the HR lead for certain regions  
25 in the United States, all areas excluding China

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2 activities, I was responsible for them as well.  
3 Q. And did you have folks that reported  
4 to you in that role?  
5 A. I was an individual contributor for  
6 much of the time, and then later on I did have  
7 one person who reported directly to me, yes.  
8 Q. And when you say individual  
9 contributor, not to do corporate speak, but what  
10 do you mean?  
11 A. I was a team of one.  
12 Q. Thank you.  
13 And so in terms of the investigations  
14 you did, can you just give us a sense of the  
15 gamut of different things that you did?  
16 A. So an issue was raised, a decision  
17 would be made if it was sort of a -- for lack of  
18 a better word, a garden variety issue that HR  
19 might take on, or InfoSec might take on, we would  
20 decide, you know, which one of us would handle a  
21 particular investigation.  
22 The ones that I led, I would do  
23 everything from beginning to end, from  
24 interviewing witnesses, conducting investigation,  
25 reviewing documents, sort of go wherever the

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2 and Shanghai, I was the HR lead.  
3 Q. And again, the time frame that you  
4 held that position?  
5 A. December 2019 to about  
6 August 2020-ish.  
7 Q. And prior to that, what was your  
8 position?  
9 A. Sure. Associate general counsel,  
10 compliance.  
11 Q. And what was the time frame of that,  
12 holding that position?  
13 A. From the time I joined, which is  
14 February 2018 to December 2019, approximately.  
15 Q. And just generally, can you describe  
16 for the arbitrator what your day-to-day  
17 responsibilities were as the associate general  
18 counsel of compliance?  
19 A. Sure. I would say that I was the  
20 lead compliance attorney, and I was responsible  
21 for investigating issues and concerns that were  
22 raised by employees, certain issues. I was also  
23 responsible for leading our compliance efforts  
24 with respect to OFAC sanctions, Foreign Corrupt  
25 Practices Act. Typical corporate governance-type

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2 investigation took me from beginning to  
3 resolution.  
4 Q. And in 2018, in that role, did you  
5 become aware of a contractor at the time named  
6 Karl Hansen?  
7 A. Yes.  
8 Q. And just generally, what can you  
9 remember about how you first learned the name  
10 Karl Hansen in connection with your position at  
11 Tesla?  
12 A. Yeah, from what I remember, he sent  
13 an e-mail, I believe, to Elon and perhaps other  
14 people. I can't recall right now if they were  
15 board members or whomever. And he raised  
16 allegations, several allegations against the  
17 company, and they were a list of things from, you  
18 know, drug trafficking, DEA investigations, from  
19 what I can remember, issues with, I think, copper  
20 or other materials, but there was a list of  
21 allegations that he raised in that e-mail.  
22 Q. And so do you recall, subsequent to  
23 that e-mail, being tasked with conducting an  
24 investigation?  
25 A. Yes. That's my job, yes.

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2 Q. And so how quickly after that e-mail  
3 was sent do you recall did you begin doing your  
4 investigation?  
5 A. It could not have been more than  
6 24 hours.  
7 Q. And do you know whether there was a  
8 request made to Mr. Hansen to cooperate in that  
9 investigation?  
10 A. Yeah.  
11 Q. And then did he cooperate in that  
12 investigation?  
13 A. Did not cooperate, no.  
14 Q. Did you ever meet with Mr. Hansen at  
15 any time?  
16 A. No.  
17 Q. Did you ever speak with Mr. Hansen at  
18 any time?  
19 A. No. Not that I recall.  
20 Q. And just generally, in terms of going  
21 about your investigation, do you recall what  
22 steps you took?  
23 A. Yeah, I sort of categorized it based  
24 on the e-mail, you know, what I believe the  
25 allegations to be. I looked at each one and then

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2 Q. And just in terms of procedure, in  
3 order to access an employee's e-mail, do you  
4 recall who you needed to reach out to?  
5 A. I reached out to InfoSec and I let  
6 them know that I was conducting an investigation,  
7 yes. And I requested access to Karl Hansen's  
8 e-mail.  
9 Q. And when you say InfoSec, just so the  
10 record is clear, who is that?  
11 A. Information security. Sorry.  
12 Q. And at the time, do you recall who  
13 headed up that group?  
14 A. Jeff Jones.  
15 Q. And as a result of accessing  
16 Mr. Hansen's e-mail, what did you discover?  
17 A. A large amount of data, private data,  
18 company documents, badging records were  
19 exfiltrated from his work e-mail to a private  
20 e-mail address outside the company. A lot of  
21 data, confidential data.  
22 Q. Let's pull up Exhibit 92, joint  
23 Exhibit 92, which is already admitted.  
24 So, Ms. Workman, I've put up on the  
25 screen what's been previously admitted as joint

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2 set about investigating whether or not we could  
3 determine the veracity of that.  
4 Q. And did there come a point in your  
5 investigation where someone raised a concern  
6 about Mr. Hansen violating Tesla policies?  
7 A. Yes.  
8 Q. And what do you recall about that?  
9 A. At some point during the  
10 investigation, I believe it was an e-mail that I  
11 received. And that person said that he believed  
12 that Karl Hansen was violating company policy,  
13 and that the person that reported this, he  
14 thought I should be aware, and so I looked into  
15 it.  
16 Q. And what specifically did you do to  
17 look into it?  
18 A. The -- I believe the allegation was  
19 that he had been either looking at or something  
20 to do with materials with the company. So one of  
21 the first things you do is you look at his e-mail  
22 to see whether or not he had indeed looked at or  
23 taken anything or -- we call it exfiltrated --  
24 any documents from Tesla outside of the company.  
25 So that's what I did.

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2 Exhibit 92.  
3 This is an e-mail dated June 18,  
4 2018.  
5 A. Yes.  
6 Q. And do you recognize this e-mail?  
7 A. This looks like one of the documents  
8 that I viewed that was from a Tesla e-mail  
9 address to a private non-Tesla e-mail address.  
10 Q. Okay. And scrolling down, do you see  
11 below it's -- there's identification of how many  
12 attachments? Do you see that?  
13 A. Yes.  
14 Q. And how many attachments were  
15 attached to this e-mail?  
16 A. It says 17.  
17 Q. And do you know -- for example, those  
18 photographs on that first page, do you know  
19 what -- where those photographs came from?  
20 A. Well, they were photographs of Tesla  
21 parking lots and parking facilities and Tesla  
22 locations.  
23 MR. ROBERTSON: Okay. And if we go  
24 to the next page, Anne.  
25 \* \* \*



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2 BY MR. ROBERTSON:

3 Q. There's two -- do you know what these

4 records are?

5 A. Personnel records, yes.

6 Q. And do you know what -- and then if

7 we go to the pdfs at the end.

8 And then they're not listed, but

9 there's some identifying pdfs, and it says, for

10 example, the second one down, Gerardo, badge one.

11 Do you know what that is?

12 A. Yeah, that would have been the

13 badging records of one individual that either

14 badged in or badged out of the Tesla facilities.

15 Q. And is this an example of the types

16 of information you saw in Mr. Hansen's e-mail

17 that had been sent from his Tesla e-mail to his

18 personal e-mail?

19 A. Yes.

20 Q. Was this the only example of what you

21 found?

22 A. No.

23 Q. Do you recall how many examples of

24 this type of information you found?

25 A. I don't recall how much, but it was a

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2 and Ethics policy?

3 A. Yes.

4 Q. And it lists certain documents below:

5 Badging and access records, personal information,

6 photos from camera feeds.

7 Was that the types of information

8 that you found?

9 A. Yes.

10 Q. The last -- the next paragraph talks

11 about -- it says: I have reason to believe that

12 Mr. Hansen may have intentionally and criminally

13 deleted e-mail messages from his Tesla e-mail

14 account.

15 Do you see that?

16 A. Yes.

17 Q. Can you just explain what you meant

18 there? What you found that led you to have that

19 reason to believe with regard to the e-mail. The

20 sent box?

21 A. Yes. So when you conduct an

22 investigation of e-mail, I found what I was able

23 to find. But then there were certain indicators

24 that you would see deletion -- deleted, deleted,

25 deleted. And they would be deleted twice. So I

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2 large volume of material.

3 Q. So, Ms. Workman, I've now put up on

4 the screen what's been previously admitted as

5 Exhibit 188. It appears to be an e-mail from you

6 to a number of people. Do you see that? On

7 August 31, 2018.

8 A. I see.

9 Q. And just to put this in time frame,

10 in terms of when you actually discovered the --

11 or received the information about the materials

12 that have been exfiltrated, was it on or around

13 this date of August 31?

14 A. Yes.

15 Q. And if we look at the second

16 paragraph, it says: As a result of the

17 information we've gathered thus far, we have

18 learned that while employed by Tesla, Mr. Hansen

19 violated Tesla's Code of Business Conduct and

20 Ethics policy, and then it goes on.

21 Do you see that?

22 A. Yes.

23 Q. And the materials that you had found

24 that were sent to Mr. Hansen's personal e-mail,

25 did that violate Tesla's Code of Business Conduct

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2 don't know what those documents were, but I

3 believe they were documents that were deleted

4 from his e-mail.

5 Q. So just to be clear, the basis of

6 that conclusion was there were essentially double

7 deletions of certain documents?

8 A. Yes. As best I can describe it,

9 without being -- but yes.

10 Q. And if we can pull up Exhibit --

11 And just to put time on this, because

12 I think a lot happened on this date.

13 So this e-mail appears to be from

14 12:23 p.m.; is that correct?

15 A. Yes, that's the date -- the time,

16 yes.

17 Q. And then let's go to 187.

18 So, Ms. Workman, I've now pulled up

19 what's been identified as Exhibit 187.

20 This is, again, already in evidence.

21 It appears to be an e-mail from Ms. Ferrua, Jenna

22 Ferrua to Mr. Mohamed, yourself, and Jeff Jones.

23 Do you see that?

24 A. Yes.

25 Q. And who is Jenna Ferrua? What was

<p style="text-align: right;">Page 467</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 her position as of August 31, 2018?</p> <p>3 A. She was an HR partner on the G&amp;A</p> <p>4 team. I'm sorry, yeah, G&amp;A.</p> <p>5 Q. And just tell me out again, what's</p> <p>6 G&amp;A?</p> <p>7 A. G&amp;A is a general and administrative,</p> <p>8 so it's the nonbusiness HR teams. So it would be</p> <p>9 security, legal. Several teams she represented</p> <p>10 from the HR perspective.</p> <p>11 Q. Got it. And do you recall</p> <p>12 instructing Ms. Ferrua to reach out to</p> <p>13 U.S. Security with regard to Mr. Hansen?</p> <p>14 A. Yes.</p> <p>15 Q. And do you recall what the direction</p> <p>16 was to Ms. Ferrua in terms of reaching out to</p> <p>17 U.S. Security?</p> <p>18 A. That Karl Hansen should not come back</p> <p>19 to Tesla property.</p> <p>20 Q. And was that based on what you had</p> <p>21 found with regard to his exfiltration of</p> <p>22 documents?</p> <p>23 A. The exfiltration and the ghosts of</p> <p>24 deletions of records, yes.</p> <p>25 Q. Did you yourself have any direct</p>	<p style="text-align: right;">Page 468</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 communications with U.S. Security?</p> <p>3 A. No. Not that I recall.</p> <p>4 Q. And the group on this e-mail,</p> <p>5 Ms. Ferrua, yourself, Mr. Mohamed, and Mr. Jones,</p> <p>6 did you collectively decide that this was the</p> <p>7 right action item based on what you found?</p> <p>8 A. Yes.</p> <p>9 Q. Do you recall after that</p> <p>10 communication having any further communications</p> <p>11 with Ms. Ferrua about the direction given to</p> <p>12 USSA?</p> <p>13 A. No, I don't recall anything further</p> <p>14 on that.</p> <p>15 Q. Ms. Workman, I'm pulling up what's</p> <p>16 been identified as Exhibit 1. This is a letter</p> <p>17 from a law firm Hueston Hennigan.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Did you know what law firm Hueston</p> <p>21 Hennigan is?</p> <p>22 A. It may have been Mr. Hansen's law</p> <p>23 firm. I'm -- if I recall.</p> <p>24 Q. No, that's fine. I guess my question</p> <p>25 is simpler than that. The signatory on this</p>
<p style="text-align: right;">Page 469</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 letter is someone named John Hueston.</p> <p>3 Do you recall whether you personally</p> <p>4 had any communications with Mr. Hueston in</p> <p>5 connection with this matter?</p> <p>6 A. No.</p> <p>7 Q. And if we looked at the second</p> <p>8 paragraph on the first page.</p> <p>9 MR. WOODFIELD: I'm going to object</p> <p>10 on this one because there's no authentication.</p> <p>11 She thinks this is Mr. Hansen's firm, and she</p> <p>12 said she never spoke with this individual.</p> <p>13 There's no sense in --</p> <p>14 MR. ROBERTSON: Right.</p> <p>15 MR. WOODFIELD: -- in going through</p> <p>16 this.</p> <p>17 MR. ROBERTSON: A, the document is</p> <p>18 already in, so...</p> <p>19 And B, I'm not asking her to</p> <p>20 authenticate it. I'm just going to ask her to</p> <p>21 confirm the information in it.</p> <p>22 JUDGE HOFFMAN: All right. So I</p> <p>23 understand the objection, Mr. Woodfield. It</p> <p>24 sounds like you want to cross-examine this</p> <p>25 witness on what she knows. And you'll have your</p>	<p style="text-align: right;">Page 470</p> <p>1 Hansen v. Elon Musk - Arbitration Day 2</p> <p>2 chance to do that.</p> <p>3 THE WITNESS: Could I have some time</p> <p>4 to read the document?</p> <p>5 MR. ROBERTSON: Yeah, just -- I'm</p> <p>6 going to direct you. You can certainly read the</p> <p>7 whole thing, Ms. Workman. We don't want you</p> <p>8 looking at a document you're not comfortable</p> <p>9 with, so take whatever time you need.</p> <p>10 My focus, just so you understand,</p> <p>11 will be on that second paragraph that starts</p> <p>12 "Nonetheless."</p> <p>13 But please, by all means, read the</p> <p>14 entire letter, if that's helpful.</p> <p>15 A. No, I'll just read this paragraph, if</p> <p>16 you'll give me two minutes.</p> <p>17 MR. ROBERTSON: Sure.</p> <p>18 MS. DUNNE: And if you need me to</p> <p>19 zoom in on anything, Ms. Workman, just let me</p> <p>20 know.</p> <p>21 THE WITNESS: I can see it.</p> <p>22 Thank you.</p> <p>23 A. Yes, that second paragraph is</p> <p>24 correct.</p> <p>25 * * *</p>

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2 BY MR. ROBERTSON:

3 Q. And that was my question. So the

4 information in here, is that -- as you read it

5 now, that information is correct based on your

6 recollection of what you uncovered in your

7 investigation?

8 A. Yes.

9 Q. Now, at the time the decision was

10 made to request that Mr. Hansen no longer be

11 assigned to the Tesla property, was that based

12 upon his removal of information and the other

13 items identified in this letter?

14 A. It was the exfiltration of Tesla

15 data, the viewing of the personal data, and the

16 deletion, what we believed to be deletion of

17 documents, yes.

18 Q. And did -- at this point in late

19 August, were you aware that Mr. Hansen had filed

20 information with the SEC?

21 A. I don't remember at what point I

22 learned that, but it was probably -- it was

23 certainly after I found -- started the

24 investigation. I'll say that.

25 I don't recall the sequence of

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2 the record.

3 MR. ROBERTSON: Thank you,

4 Ms. Workman. I have no further questions for

5 you. Appreciate the time.

6 JUDGE HOFFMAN: Okay.

7 Cross-examination by Mr. Woodfield.

8 MR. WOODFIELD: Thank you, sir.

9 -----

10 EXAMINATION

11 -----

12 BY MR. WOODFIELD:

13 Q. Ms. Workman, my name is Nick

14 Woodfield. I represent Mr. Hansen in this

15 matter.

16 In August of 2018, what was your job

17 title?

18 A. August of 2018 it was associate

19 general counsel, compliance.

20 Q. And were you aware in August, on

21 August 16th, when there was a press release filed

22 by Mr. Hansen's counsel that he had filed an SEC

23 TCR?

24 A. The first time I remember

25 Mr. Hansen's name, that I recall, was the e-mail

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2 events. Maybe if you can give me some more

3 information, I can tell you whether or not I

4 recall it or not.

5 Q. Sure. Maybe my question is simpler.

6 In making the decision that was made

7 at the end of August, was the fact that

8 Mr. Hansen had potentially -- had filed materials

9 with the SEC, did that have anything to do with

10 the collective decision of the group to request

11 that USSA not assign Mr. Hansen back to the

12 factory?

13 A. Absolutely not. Absolutely not. No.

14 No. That -- those were clear policy violations.

15 No. No.

16 MR. ROBERTSON: Then, Your Honor, I'd

17 ask for just two minutes. I may be done.

18 JUDGE HOFFMAN: Okay. Take two

19 minutes.

20 (Recess taken, 2:10 p.m. to

21 2:14 p.m. PDT)

22 JUDGE HOFFMAN: Shall we go back on

23 the record?

24 MR. ROBERTSON: Yes, please.

25 JUDGE HOFFMAN: Okay. We're back on

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2 to Elon.

3 Q. Okay. I'm with you. I saw that, and

4 we've seen the SEC -- or the August 3rd e-mail.

5 Let me ask you about that.

6 There was an August 3rd e-mail to

7 Elon. Who forwarded that to you?

8 A. Oh, boy. I don't recall.

9 Q. Did you start investigating it then?

10 A. When I saw the e-mail, within

11 24 hours.

12 Q. And did you create a file?

13 A. Yes.

14 Q. And did you create it in paper or

15 electronically?

16 A. Electronic.

17 Q. And did you e-mail back and forth

18 with people?

19 A. Yes, because there was the -- yes.

20 Yes. Yes.

21 Q. Who did you e-mail with?

22 A. Definitely InfoSec, because I had

23 to -- when I went to look at the e-mail or

24 documents, so probably the generic InfoSec

25 e-mail. I'm recalling from memory here.

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2 Any witnesses that I wanted to talk

3 to, I probably sent them an e-mail invitation.

4 Q. Right.

5 And who assigned this to you? Do you

6 recall?

7 A. That was just my -- I -- I'm the

8 person, so I knew that was my job the minute I

9 saw the e-mail.

10 Q. Who was your supervisor?

11 A. I was.

12 Q. Someone's got to --

13 A. I reported -- at Tesla -- no, someone

14 did not assign it to me. That was immediately my

15 job when I saw it because I'm compliance. I had

16 a few direct reports. I believe at the time my

17 immediate was Phil -- Phil's last name --

18 Q. Forgive me. Who was your supervisor

19 in August --

20 Hold on, ma'am.

21 Who was your supervisor in August of

22 2018?

23 A. Phil Rothenberg.

24 Q. And did you report the results of

25 your investigation to Phil Rothenberg?

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2 A. He was my supervisor, definitely.

3 Q. So were you regularly communicating

4 with Mr. Rothenberg about the results of your

5 investigation?

6 A. No, because it was on-going -- there

7 weren't really any results. So it -- no. No.

8 I might have talked to him, I might

9 have an interview tomorrow or, you know, casual

10 conversation about how things were going, but

11 there was nothing to report because it wasn't

12 done.

13 Q. Did you document -- did you keep an

14 e-mail file or a written file somewhere?

15 A. Oh, yes, there was -- yes.

16 Q. Does Tesla still have it?

17 A. I have no idea.

18 Q. Okay. And did it document all of the

19 efforts you had made to show what happened with

20 regard to the investigation?

21 A. Yes.

22 Q. What the witnesses had to say?

23 A. Yes.

24 Q. Did you talk with Jeff Jones?

25 A. I don't think I spoke with Jeff until

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2 A. I'm not sure he was still there when

3 it was finished.

4 Q. Who became your successor supervisor?

5 A. Okay. After Phil, when Phil left, I

6 reported directly to -- we had a lot of GCs.

7 Q. Let me show you something to refresh

8 your recollection.

9 A. Thank you.

10 Q. This is a document that counsel

11 provided us. This -- I think it was -- if not

12 this last weekend, the weekend immediately

13 preceding it.

14 I'm showing you a document that was

15 provided to us just recently to supplement

16 production. And Phil Rothenberg was your boss,

17 apparently, on August 31st, because you e-mailed

18 him, as well as Swapnil Bhatnagar, Carmen Copher,

19 and Yusuf Mohamed.

20 A. Okay.

21 Q. So was Phil Rothenberg still your

22 supervisor at that time?

23 A. If he was there, he was still my

24 supervisor.

25 Q. Okay.

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2 I had to look at Karl Hansen's e-mail. So

3 probably not until the -- everything was wound

4 down. He wouldn't have been someone I recall

5 talking to during, but I can't say. I really

6 can't say.

7 Q. Let me --

8 A. Unlikely, but I'm not sure.

9 Q. The only e-mails we received from

10 you, that we were given, were from August 31,

11 2018.

12 Is that an accurate representation of

13 the only e-mails that you produced in this

14 matter? That you had relating to the

15 investigation?

16 A. I don't know what you have, but there

17 were more than two e-mails.

18 Q. Well, I'm going to show you, there

19 is -- as -- this is -- again, the one that I'm

20 showing you right here, this was supplemented

21 this last weekend, and it was -- it was an e-mail

22 that you sent on August 31st at 10:49 a.m.,

23 saying: I've received confirmation from global

24 investigations that Karl Hansen sent Tesla

25 information, including badging access records of

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2 several individuals, including in some instances  
3 what appears to be their personal information as  
4 well as screenshots of photos and/or video  
5 footage from Tesla video camera feeds to a  
6 private Gmail account. I will set up calls as  
7 appropriate.

8 Did you have any information about  
9 that prior to August 31st? Because it seems like  
10 this is new information as of that morning.

11 A. So that would have been an e-mail I  
12 sent after I found what I found. So I can't tell  
13 you exactly what date I found those things, but  
14 pretty soon after, because it raised alarms.  
15 That's when I said I need to see InfoSec, because  
16 you have to confirm that you're seeing what  
17 you're seeing. So that's where I set up the  
18 call.

19 Q. Okay. Well, is one of the things  
20 that put you on edge, the -- you said there was  
21 an e-mail that you saw from a -- one of  
22 Mr. Hansen's co-employees, a complaint about him;  
23 right?

24 A. He sent me an e-mail, yes.

25 Q. Okay. And you said the co-employee

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2 forgive me, I'm going to show you -- this is the  
3 responses to interrogatories. And it says here:  
4 Identify -- this is interrogatory No. 12.

5 Identify and explain in detail any  
6 complaints or allegations leveled against Hansen  
7 when he was employed by any Respondent.

8 And then it articulates an objection,  
9 and then it says: On August 23rd, Tesla received  
10 a report regarding Hansen's behavior from  
11 Hansen's colleague, Kenneth Davis. Davis  
12 reported witnessing Hansen violating Tesla  
13 policies, including involving third parties with  
14 his investigations and sending confidential Tesla  
15 information to outside e-mail addresses to be  
16 accessed by individuals not employed by Tesla.

17 Davis expressed concerns about Hansen  
18 being temporarily placed at the front desk of the  
19 Gigafactory. Specifically, Davis cited the risks  
20 of Hansen possibly having unrestricted access  
21 into Tesla's network coupled with his role as a  
22 gatekeeper into the Gigafactory after Davis  
23 became concerned about Hansen's erratic and  
24 unauthorized activities and involvement of  
25 individuals outside of Tesla.

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2 sent you an e-mail.

3 A. Co-employee.

4 Q. Well, let me ask you, is this the  
5 e-mail you were referencing, that you said --  
6 previously there was an e-mail that you received  
7 that caused you to realize there was a complaint  
8 about Mr. Hansen mishandling documents.

9 Is this the e-mail that you're  
10 talking about right here, from Kenneth Davis?

11 A. I don't know which e-mail I received.  
12 I'm not sure if I got that one from Ken Davis,  
13 but Ken Davis was the person that did speak to me  
14 about his concerns about Karl. I can say that.

15 Q. Was it about August 23rd or so?  
16 Would that have been about right?

17 A. Yes.

18 Q. Okay. And did Jeff Jones put him in  
19 touch with you?

20 A. I don't think he would have had to  
21 put in -- everybody knew who I was, so Ken  
22 probably contacted me directly, but I can't  
23 recall. He wouldn't have to -- he wouldn't have  
24 to put him in touch with me.

25 Q. Okay. And then there's an e-mail --

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2 As a result of this report, Tesla  
3 reviewed Hansen's employee and contractor e-mail  
4 accounts and found that he forwarded numerous  
5 Tesla internal documents to his personal e-mail  
6 address in violation of Tesla policies. During  
7 this review, Tesla also determined that Hansen  
8 permanently deleted the contents of his sent  
9 items folders.

10 Is that the e-mail, the August 23rd  
11 e-mail that spurred you on to research his  
12 background materials, Mr. Hansen's background  
13 materials?

14 MR. ROBERTSON: Objection --

15 A. I spoke --

16 MR. ROBERTSON: Just on foundation  
17 and mischaracterizes the answer -- the -- of the  
18 document. That's all.

19 JUDGE HOFFMAN: Okay. I'll overrule  
20 that objection.

21 And, Ms. Workman, answer if you can.

22 A. Yes. I know that I spoke to  
23 Mr. Davis directly, so I can't say what pieces of  
24 information came from where. But when I had a  
25 conversation with Mr. Davis, that's when he



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2 shared with me all of his concerns. Directly  
3 with me.  
4 BY MR. WOODFIELD:  
5 Q. And this says -- this is the e-mail  
6 that Mr. Hansen -- or Mr. Davis sent on  
7 August 23rd. And I'm trying to reconcile this,  
8 because on August 23rd, he reported to Jeff Jones  
9 and Elon Musk about Karl Hansen, the exact same  
10 things that they're saying here, that Tesla  
11 received a report.  
12 And then it says: As a result of  
13 this report, Tesla reviewed his employee and  
14 contractor e-mail accounts and found that he  
15 forwarded numerous Tesla documents to his  
16 personal e-mail address in violation of Tesla  
17 policies.  
18 And it sounds like exactly what you  
19 just reported. And I'm just wondering, is this  
20 what happened? Is this what you're talking  
21 about?  
22 MR. ROBERTSON: And I know that was a  
23 long question. I'm just going to object and move  
24 to strike the comment, exactly the same thing, as  
25 a mischaracterization.

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2 forwarded numerous Tesla internal documents to  
3 his personal address in violation of Tesla  
4 policies.  
5 Now, you said, if I remember  
6 correctly, that in response to Mr. Davis's  
7 complaints, you reviewed Mr. Hansen's employee  
8 and contractor accounts; is that correct?  
9 A. Correct.  
10 Q. Did you do it in response to the  
11 e-mail that I showed you?  
12 A. I know I did it in response to  
13 speaking with Mr. Davis. I can't recall if I  
14 also used that e-mail that you just showed me,  
15 but I spoke directly to Mr. Davis. And it's on  
16 the basis of my conversation with him that I  
17 conducted the investigation into Mr. Hansen's  
18 e-mail.  
19 Q. And did Mr. Davis tell you what was  
20 motivating him?  
21 A. He said he was concerned about Tesla  
22 data; that he was concerned about Tesla data,  
23 yeah.  
24 Q. And that was on August 23rd; correct?  
25 A. I can't remember the exact day I

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2 JUDGE HOFFMAN: All right. You want  
3 to strike the question. I'm not sure I want to  
4 do that. I mean, if the witness can --  
5 MR. ROBERTSON: No, just that term,  
6 Your Honor. It's an arbitration. I'm not going  
7 to be picky about the record. I just want it  
8 noted that I believe that's not accurate.  
9 JUDGE HOFFMAN: All right. So your  
10 objection is it misstates the evidence.  
11 MR. ROBERTSON: Correct.  
12 JUDGE HOFFMAN: So, Ms. Workman, you  
13 can answer the question, if you can.  
14 THE WITNESS: Can you say that one  
15 more time?  
16 MR. WOODFIELD: Yes, ma'am.  
17 BY MR. WOODFIELD:  
18 Q. This -- Tesla has reported in its  
19 interrogatory answer that on August 23rd, it  
20 received a report concerning Hansen's behavior  
21 from Kenneth Davis. And I've shown you Kenneth  
22 Davis's e-mail.  
23 And as I result of Kenneth Davis's  
24 report, Tesla reviewed Hansen's employee and  
25 contractor e-mail accounts and found that he

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2 spoke to Mr. Davis.  
3 Q. Now, you're -- just to help clarify  
4 the timeline, you -- as -- it would be fair to  
5 say that as compliance counsel, he probably would  
6 have been aware that there was a press release  
7 that was out on Reuters about an SEC TCR;  
8 correct? You would have probably picked that up?  
9 A. I probably would have been aware  
10 that -- if it hit the media, I might have known  
11 about the release itself. But if it made it to  
12 the media, yes, I would have heard about it, yes.  
13 Q. I want to show you Exhibit 216, which  
14 is a Reuters press -- or a Reuters communication,  
15 August 6th.  
16 It said: Whistleblower accuses Tesla  
17 of spying on employees at Gigafactory.  
18 And it says: An employee fired from  
19 Tesla's Nevada factory filed a whistleblower  
20 complaint with the U.S. Securities Exchange  
21 Commission, and it talks about Karl Hansen filing  
22 a TCR.  
23 You would have been aware, as Tesla's  
24 compliance officer, as assistant general counsel  
25 in charge of compliance, that a compliance issue

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2 had been raised with the SEC that was on Reuters;

3 correct? That would have crossed your radar on

4 August 16th.

5 A. If it hit the media, I would have

6 seen it, definitely.

7 Q. So you would have known about the SEC

8 complaint as of August 16th; fair?

9 A. I would have known that it said it in

10 the media. I wouldn't have known that it

11 actually occurred, but I would know what the

12 media reports had said, yes.

13 Q. Well, is it fair to say that you

14 would have probably followed up on it to see if

15 there was some veracity to it?

16 A. No. No, I would not. I was already

17 investigating that, so there was no reason for me

18 to check and see if there was an SEC

19 investigation. I was already investigating.

20 Q. I want to make sure I heard that

21 right. You said -- and I want to make sure I got

22 this, because you're kind of surprising me a

23 little bit there.

24 A. Okay.

25 Q. If your title was associate general

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2 Yes. Yes.

3 Q. About the TCR?

4 A. No. Oh, no. No. Not at all.

5 Q. How many TCRs were filed about Tesla

6 in 2018?

7 A. I couldn't tell you. I don't know.

8 Q. Well, can you tell me more than one?

9 A. I don't know. Like, I couldn't

10 recall from memory. It's four years ago.

11 Q. Well, let me ask you: Is a TCR

12 something that, as a compliance officer, that

13 that's something you want to know about?

14 A. You're asking me do I know how many.

15 I don't recall how many. I couldn't tell you

16 from memory.

17 Q. Well, you know about at least one;

18 right?

19 A. Yes.

20 Q. And is it something that is -- gets

21 on your radar?

22 A. Sometimes. I mean, it's possible

23 that a TCR could be filed and we're not notified.

24 I don't know if the SEC always follows through.

25 I can't tell you that. But all I can tell you is

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2 counsel compliance, you didn't want to know if

3 there really was an SEC TCR filed against --

4 A. I didn't say I didn't want to know.

5 I said I was already investigating. The concern

6 would have been, as head of compliance, if I

7 didn't know about this and it surprised me. I

8 already knew about it. I was already

9 investigating, so that's for outside counsel. I

10 was already doing what I was supposed to be

11 doing, and I was confident of that.

12 Q. So you were on it.

13 A. Yes.

14 Q. And you were building a file at that

15 point and speaking with Mr. Davis.

16 A. I spoke with Mr. Davis.

17 Q. And did you ever speak with Mr. Musk?

18 A. Can you refresh my recollect -- who

19 is that?

20 Q. Have you ever heard of Elon Musk?

21 A. Oh, you said -- I thought you said

22 Lusk.

23 Q. No.

24 A. Sorry. I am so sorry.

25 Did I ever speak with Elon Musk?

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2 when an issue comes up that I need to

3 investigate, I investigated it. I did my job.

4 Q. Well, forgive me. This one -- and

5 I'll show you. I'll show you. It also -- and

6 I'm going to show you -- this is Exhibit No. 214.

7 This is also on a business --

8 MR. ROBERTSON: Are you actually

9 moving 216 in or were you just using it?

10 MR. WOODFIELD: I'm going to offer

11 it. 216 and 214, which is Business Insider, and

12 I'm going to offer 215, which is the New York

13 Post, which was also putting it in.

14 BY MR. WOODFIELD:

15 Q. So given that it was on multiple news

16 outlets, is that something that you would have

17 escalated?

18 A. I'm sorry, but "escalated" implies

19 that something wasn't already being done. If an

20 investigation is already in progress, it's

21 already in progress.

22 Q. Well, and so tell me: What

23 investigation was being done into the TCR? Tell

24 me what -- tell me all about the TCR

25 investigation.

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2 MR. ROBERTSON: Objection.

3 A. I don't have any information about a

4 TCR investigation. What I can tell you is, I was

5 investigating Mr. Hansen's allegations, and I did

6 my job.

7 BY MR. WOODFIELD:

8 Q. Okay. But we have no file for that;

9 right?

10 Do you have -- you have a file, but

11 we were never given one?

12 A. I'm sorry, I don't have anything. I

13 don't work there anymore.

14 Q. I'm going to also show you 217, which

15 I'm offering.

16 Do you remember when Mr. Hansen was

17 on Fox News, where he appeared on Fox News on

18 August 29th?

19 A. Yes.

20 Q. And why do you remember that, ma'am?

21 And this is Exhibit 217. I'm just

22 going to offer this, and I can show the link, but

23 I'm going to -- rather than bring up the video.

24 But you remember it. He was on Fox News on

25 August 29th; correct?

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2 tell me what they were saying.

3 A. It was an allegation on Fox News that

4 actually -- there's someone actually talking in

5 the news to Fox News about allegations against

6 Tesla. That was huge.

7 Q. So it was on -- on the night of

8 August 29th, which -- now I keep pulling this up.

9 I believe it was a Wednesday night. And I'll

10 just pull this up one last time.

11 But it was August 29th -- or, yes,

12 August.

13 Yes, it was August 29th. It was a

14 Wednesday night. The next day was Thursday; that

15 was a workday. Where were you working the next

16 day?

17 A. Most likely in Fremont, in the

18 office. Most likely.

19 Q. And in the Fremont office, was that

20 one of the first things everyone was talking

21 about?

22 A. Probably.

23 Q. And was it being talked about in the

24 C-suite, as far as you know?

25 A. I wasn't in the C-suite at the time,

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2 A. Yes.

3 Q. Yes, ma'am?

4 A. Yes. That was big news, yes.

5 Q. And why was it big news?

6 A. Yes.

7 Q. Why was it big news?

8 A. At Tesla, everything was big news,

9 whether it's true or not. And when you have, in

10 my opinion, someone willing to talk about their

11 allegations, that's huge news for the media.

12 Huge.

13 Q. And was it -- did everyone at

14 Tesla -- was that the talk of the company the

15 next day?

16 A. I think it was the talk of the legal

17 team. I don't know that it was the talk for the

18 company, but it was certainly a buzz.

19 Q. When you say "the talk of the legal

20 team," who was talking about it?

21 A. Colleagues in the room. It was big

22 news. It was on the media. Everybody. I mean,

23 everybody --

24 Q. So tell me what everyone was talking

25 about. Tell me what -- when you went like that,

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2 so I don't know.

3 Q. Do you have any reason to believe

4 that it wouldn't be?

5 A. There's no reason to believe it

6 wouldn't be. It was big news.

7 Q. Well, let me ask you, because it

8 seems kind of -- just like a strange coincidence

9 that on -- that Mr. Hansen was on the night of

10 the 29th, and that suddenly all of the e-mails

11 that we have about the investigation show up on

12 the morning of the 31st. And those are all the

13 e-mails we have. That it looks like everything

14 was high priority starting August 31st in the

15 morning, like something happened the day before,

16 and I'm trying to figure out where the proof is

17 that anything happened prior to that. And can

18 you tell me where it is?

19 A. I can tell you that Kenneth Davis

20 contacted me directly. I spoke to him directly.

21 And he raised several allegations about Karl that

22 I had to investigate just like any other

23 investigation. There's an allegation. I'm

24 supposed to respond to it and look into it, and

25 that's what I did.

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2 Q. And you started your investigation

3 based on what Mr. Davis came to you about?

4 A. No, the investigation started long

5 before that when the -- I saw the e-mail from

6 Mr. Hansen to Elon. Mr. Davis did not start this

7 investigation, no.

8 Q. So as of August 3rd, the wheels

9 started turning, but it doesn't look like the

10 fire started getting going until August 31st.

11 Why is that?

12 A. I don't know what you mean by fire,

13 but the first time anyone had raised any

14 allegation against Karl was Kenneth.

15 Prior to that, I was investigating

16 Mr. Hansen's allegations, and I spent a lot of

17 time doing that. No one raised any concern about

18 Mr. Hansen until Kenneth, who wanted to talk to

19 me. And when he wanted to talk, I spoke to him.

20 Q. So it wasn't until Mr. -- until --

21 and probably -- what was it? As we were looking

22 at this, I think it was -- I think we determined

23 that Kenneth Davis on August 23rd was coming

24 forward raising these allegations. That's when

25 people started questioning Mr. Hansen; right?

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2 Q. Okay. And then, that's when people

3 wanted to know some background, and especially

4 after August 23rd, that's when people wanted to

5 know background about Karl Hansen; right? They

6 wanted to know what he was doing.

7 A. No one ever asked me about

8 Karl Hansen. What I was required to do was look

9 into his allegations, and I did that.

10 Q. All right.

11 Now, on August 31st, were you

12 involved in a decision, a discussion to terminate

13 Mr. Hansen's employment?

14 MR. ROBERTSON: Objection.

15 A. No. He was not an employee of --

16 JUDGE HOFFMAN: Just a minute.

17 BY MR. WOODFIELD:

18 Q. Forgive me. Were you involved --

19 JUDGE HOFFMAN: Just a minute.

20 Excuse me. There's an objection, but I heard

21 objection, but I didn't hear the basis for the

22 objection.

23 MR. WOODFIELD: I'll withdraw the

24 question.

25 MR. ROBERTSON: He's withdrawing the

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2 A. Like I said, I can't remember if I

3 saw that particular e-mail, but I spoke to

4 Mr. Davis myself.

5 Q. But that's when people started

6 questioning Mr. Hansen?

7 A. Yes. Because he was alleging

8 allegations against Mr. Hansen, yes.

9 Q. So August 23rd is when the eyes

10 started turning at Mr. Hansen and what he might

11 have done?

12 A. I don't remember the date I spoke to

13 Mr. Davis, but it was Mr. Davis raising concerns

14 about Karl Hansen to me that caused me to look

15 into his e-mail.

16 Prior to that, I was investigating

17 Mr. Hansen's concerns.

18 Q. And nobody was asking you to do

19 anything before that; correct?

20 A. Before I start --

21 Q. Like prior to, say, August 3rd, no

22 one was asking you to investigate Mr. Hansen;

23 correct?

24 A. Not that I recall. The first I heard

25 of the issue was that e-mail to Elon.

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2 question, Your Honor, so we're okay.

3 BY MR. WOODFIELD:

4 Q. Ms. Workman, were you involved on

5 August 31st in the discussion to ask USSA to have

6 Mr. Hansen removed from the Gigafactory site?

7 A. Did I speak to his employer directly?

8 No, I did not --

9 Q. No.

10 A. -- if that's what you're asking.

11 Q. No, ma'am, my question is different.

12 On August 31st, were you involved in

13 any discussions with anyone in any

14 decision-making process to remove -- wherein any

15 decision was made to ask USSA to remove

16 Mr. Hansen from the Gigafactory site?

17 A. Yes.

18 Q. Who was involved in that conversation

19 or that discussion?

20 A. HR, InfoSec, legal, myself.

21 Q. Who is InfoSec?

22 A. That would be Jeff Jones's team. I'm

23 sorry, I keep saying that.

24 Q. And so HR is Ms. Ferrua,

25 Jenna Ferrua?

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2 A. Yes.

3 Q. So it's you, Jenna Ferrua.

4 Was Mr. Mohamed there?

5 A. He was on the e-mail. I don't

6 remember where we all were physically. I don't

7 remember, but, yes, he was on the e-mail thread,

8 yes.

9 Q. And who made the decision to ask or

10 direct USSA to remove Mr. Hansen from the

11 Gigafactory site?

12 A. That was a group decision.

13 Q. And the group decision was the three

14 of you collectively made the decision, you,

15 Mr. Jones, and Ms. Ferrua?

16 A. I can't remember if Mr. Jones, but

17 generally speaking, yes, it was InfoSec, HR, it

18 was legal and myself, yes.

19 Q. All right.

20 A. And that was determined for him not

21 to come back to the property.

22 Q. And was there any other information

23 presented to everyone for consideration in that

24 discussion other than what's set forth here in

25 Exhibit No. 188?

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2 anything like that? I'm wondering, do they

3 exist?

4 A. The ones that we just saw a few

5 minutes ago, with the attachments and the photos,

6 those -- that was a portion of the documents that

7 were found.

8 Q. No, I'm not asking if they were

9 found. I'm asking did you make those to the

10 people involved in the decision-making process.

11 Were you giving people information

12 other than this e-mail that's set forth as

13 Exhibit 188?

14 A. I do not remember if any -- found

15 anything physically. I'm sorry, I can't recall.

16 But I do know what I saw and I know what I

17 reported.

18 Q. And that's what I'm trying to figure

19 out. Were they relying on what you were

20 reporting or were you providing information as

21 well to Mr. Jones and Ms. Ferrua?

22 A. Well, InfoSec -- let me make sure I

23 do the process correctly.

24 InfoSec helped me to verify that I

25 had seen what I had seen. So that earlier e-mail

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2 A. The list of badging documents that

3 were found that were exfiltrated, the list of

4 photos that were exfiltrated, the personal

5 records that were exfiltrated, the deletion

6 ghosts that were found. To my recollection,

7 that's what we looked at when we made the

8 decision collectively to have him not come back

9 to the Tesla property.

10 Q. Did you provide those materials to

11 everyone in the room, or to everyone having the

12 discussion?

13 A. I believe I confirmed the docs with

14 InfoSec, so I confirmed that they were deemed

15 exfiltrated.

16 I sent the e-mail. I can't remember

17 if we actually looked at the files. That I can't

18 remember. Sorry.

19 Q. Well, what I'm asking about was

20 there's an e-mail that was provided, but I --

21 there was nothing -- there was no file

22 justifications, there was no supporting documents

23 given.

24 So I'm wondering, were there any

25 supporting documents circulated that you gave,

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2 that you saw where I said this -- I gave a list

3 of the things, InfoSec confirmed that they were

4 indeed exfiltrated, so that was the team that

5 confirmed it.

6 So once you have me and that

7 confirmation, then we have a conversation and we

8 decide what to do about it.

9 Q. Okay. And I want to make sure I have

10 this right. So Jeff Jones -- when you talk about

11 InfoSec, you're talking Jeff Jones; right?

12 A. His team. It's fair to say his team.

13 Q. But when I'm -- when you're saying

14 InfoSec, I want to know who you're talking about,

15 because that's like me talking about the

16 United States. There are several hundred million

17 people.

18 Who are you talking about when you

19 say InfoSec in this conversation? Is Jeff Jones

20 the person you're talking about? Or is there

21 some other person in the room?

22 A. If Jeff Jones was in the e-mail, then

23 it's Jeff Jones I'm speaking about.

24 If it was InfoSec, it could have been

25 anybody on his team.

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2 Q. Well, on this e-mail right here, it's

3 Carmen Copher, Yusuf Mohamed, on Exhibit 8 --

4 188.

5 On your prior e-mail, it's

6 Carmen Copher. But I don't -- and I'll just

7 represent to you that on Jenna Ferrua's e-mail,

8 it's Yusuf Mohamed, Valerie Workman, Jeff Jones;

9 and Ms. Ferrua said that it was the four of you.

10 And I'm just trying to figure out who was in this

11 room, and you keep saying InfoSec, and I -- I'm

12 trying to figure out who InfoSec is.

13 A. Yeah. So remember when I said

14 earlier that I had to confirm whether or not what

15 I believed to be exfiltrated was indeed

16 exfiltrated and whether or not what I believed to

17 be deleted was deleted? The InfoSec team is the

18 team that I used to figure out what was true. So

19 when you ask me who was involved, I'm telling you

20 who is involved. So they're -- they are a party

21 to that because they helped me verify that the

22 documents were exfiltrated.

23 The e-mail is as it says. Those were

24 the people who were involved in the actual

25 conversation to have Mr. Hansen not return back

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2 because this is an important point.

3 Did InfoSec confirm it to you and for

4 everyone else, or did HR confirm it for InfoSec?

5 I really want to know the answer to that, if you

6 know the answer to that.

7 A. I'm sorry, I'm not following your

8 question.

9 Q. Did -- in terms of Mr. Hansen and

10 anything that he might have -- any policies that

11 he violated, did HR make the determination or did

12 InfoSec make that determination?

13 A. HR determines the policy violations.

14 So, in other words, first you have to figure out

15 what happened. And then you have a conversation

16 and HR handles the policy side. I have the

17 compliance side. InfoSec handles the IT side,

18 and then there's legal. The HR policy at the end

19 of the day is an HR confirmation.

20 Q. Okay. I appreciate that. Sorry,

21 there's circular semantics in all of these

22 things, and I apologize.

23 A. Sorry.

24 Q. And in terms of just following up

25 here, you're -- I'm just going to show you this.

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2 to the jobsite.

3 I hope I got that right.

4 Q. Yes, ma'am.

5 So you relied heavily on Jeff Jones's

6 team?

7 A. They were the -- they confirmed what

8 I saw with my own eyes. I just had to be sure.

9 You can't make decisions like that unless you're

10 sure. And I saw an e-mail going from Karl Hansen

11 to an e-mail address, but I need to use InfoSec

12 to say is that an exfiltration or not. And they

13 confirmed it was an exfiltration, meaning it left

14 the building.

15 Q. Okay. So it wasn't HR that performed

16 the investigation; it was Mr. Jones's team;

17 correct?

18 A. Looking at whether or not the data

19 actually went from a Tesla e-mail address to an

20 outside e-mail address, I confirmed that, Jenna

21 confirmed that, InfoSec confirmed that. We all

22 were looking at the same things. But InfoSec is

23 important, because that's the technical arm that

24 makes sure that we're correct.

25 Q. Well, I'm trying to find this out,

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2 When you -- you sent this e-mail --

3 I'm going to show you, very quickly, Exhibit 188.

4 You told Carmen Copher -- what was

5 Carmen Copher's job?

6 A. She was, I believe, employee

7 relations. I believe that was her title, was

8 employee relations.

9 Q. And when you made the recommendation,

10 when you collectively made the recommendation

11 along with HR and Ms. -- I will say Jeff Jones,

12 but correct me if you think it was InfoSec,

13 someone else there.

14 Who else did you report this to? Did

15 you all tell someone else? Did you report it

16 then to someone else in the organization that

17 Mr. Hansen was being removed from the facility?

18 A. I don't remember or recall if we

19 spoke with anyone else. Those were the people,

20 me, Yusuf, Jenna. That was the team that needed

21 to have the conversation. I don't remember

22 anyone else being involved.

23 Q. But this e-mail that went out at

24 4:07 p.m., just clarifying, it went -- clarifying

25 it from Jenna through -- it was going to



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2 Yusuf Mohamed, Valerie Workman, and  
3 carbon-copying Jeff Jones.  
4 Do you know why Ms. Ferrua  
5 carbon-copied Jeff Jones? Reporting that Karl  
6 was being removed?  
7 A. I believe even as a contractor,  
8 somehow Karl's team might have been related to  
9 Jeff's InfoSec team. I believe that's how he was  
10 involved. That makes sense, yeah. Yeah. As far  
11 as I can recall.  
12 MR. WOODFIELD: At this time I'm --  
13 before I rest, I'm going to make sure I offer  
14 Exhibit 201, 216, 183, 208, 217, 187, 188, 8,  
15 214, and 215.  
16 JUDGE HOFFMAN: Well, wait a minute.  
17 I need to have some way to keep track of that.  
18 The only one that I have --  
19 MR. ROBERTSON: We give up.  
20 JUDGE HOFFMAN: I can tell you what  
21 I've got pending right now, and it's -- there are  
22 only four that I have pending. So if you want to  
23 introduce more, you can tell me.  
24 You've got 214, -15, -16, and -17.  
25 Each of those are media-related exhibits, and I

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2 was the late supplement from opposing counsel,  
3 or, you know, it was -- it was Tesla's late  
4 supplement after we had submitted the witness  
5 list.  
6 It was the late document that I  
7 offered to refresh recollection. But there's  
8 187, 208, 183, and 6.  
9 So 6 is in. 183 is in. 208, I would  
10 offer 208 at this point. 187. I think that's  
11 it.  
12 JUDGE HOFFMAN: Any objection to 187?  
13 MR. ROBERTSON: No. None. And no  
14 objection to 208.  
15 JUDGE HOFFMAN: Okay. They're both  
16 in.  
17 (Whereupon, Exhibit 187 was  
18 received.)  
19 (Whereupon, Exhibit 208 was  
20 received.)  
21 MR. ROBERTSON: And then the open  
22 question is, Nick, did you actually want to  
23 introduce as an exhibit the supplemental e-mail  
24 or did you just --  
25 MR. WOODFIELD: Just put it in.

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2 don't think there's any objection to those.  
3 MR. ROBERTSON: No, there's no  
4 objection to any of those.  
5 JUDGE HOFFMAN: Okay. So 214, 215,  
6 216, 217 are admitted.  
7 MS. DUNNE: You mentioned 201, but if  
8 you recall, 201 was not what you wanted. You had  
9 really wanted, I believe, 188.  
10 MR. WOODFIELD: Yes. Thank you.  
11 (Whereupon, Exhibit 188 was  
12 received.)  
13 (Whereupon, Exhibit 214 was  
14 received.)  
15 (Whereupon, Exhibit 215 was  
16 received.)  
17 (Whereupon, Exhibit 216 was  
18 received.)  
19 (Whereupon, Exhibit 217 was  
20 received.)  
21 MR. WOODFIELD: And then just to make  
22 sure -- let's see. I'm going to make sure that  
23 we got all these in. I also want to make sure --  
24 I have open on my screen 8 -- let's see. I  
25 referenced 802, which is not on our list, but it

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2 MR. ROBERTSON: So that would be --  
3 we'll add an exhibit. That would be 225.  
4 MS. DUNNE: No, because we added the  
5 audio clip yesterday, so that would have to be  
6 225. So I believe this would have to be 226.  
7 MR. WOODFIELD: 226.  
8 MR. ROBERTSON: And we'll go ahead  
9 and mark it and we'll take care of getting it  
10 into the set of exhibits.  
11 MS. DUNNE: We'll send it to Debbie  
12 to have the sticker applied to it, and then I'll  
13 also upload it to JAMS access so that you have  
14 access to it, Your Honor.  
15 JUDGE HOFFMAN: Okay. Thank you.  
16 Admitted.  
17 (Whereupon, Exhibit 226 was  
18 received.)  
19 (Discussion off the record.)  
20 MR. WOODFIELD: Is there any chance  
21 of getting Mr. Mohamed today, or are we convening  
22 with him tomorrow?  
23 JUDGE HOFFMAN: Are we done with  
24 cross-examination of Ms. Workman?  
25 MR. ROBERTSON: Are you all set,

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2 Nick, with --

3 MR. WOODFIELD: I'm done.

4 JUDGE HOFFMAN: Does USSA have any

5 cross-examination of Ms. Workman?

6 MS. LARGENT: No questions.

7 JUDGE HOFFMAN: Does Tesla have any

8 redirect of Ms. Workman?

9 MR. ROBERTSON: No, nothing from us.

10 Thank you.

11 JUDGE HOFFMAN: I have no questions.

12 Ms. Workman, thank you very much for

13 your testimony. You're excused and you can sign

14 off.

15 THE WITNESS: Thank you, Your Honor.

16 JUDGE HOFFMAN: Thank you.

17 MR. ROBERTSON: And now, Nick, to

18 your question, yeah, we don't have -- we've been

19 unable to reach Mr. Mohamed. We had sort of

20 indicated -- and we may decide not to call him,

21 given our inability to find him. But we have

22 Mr. German, so maybe I'll just table that. I

23 assume Mr. German will be next, likely tomorrow.

24 And then -- but we'll let folks know in the

25 morning before Mr. German comes on whether or not

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2 or not you want to do post-hearing briefs and

3 then have an argument session, or if you want to

4 just submit it on the post-hearing briefs. I'm

5 open to either one.

6 And so I think that's -- that's it

7 for us. Anything further from either side?

8 MR. WOODFIELD: Not from the

9 complainant, Your Honor. Thank you.

10 MR. ROBERTSON: All I would say is if

11 you give lawyers a chance to talk, they're going

12 to take it, so...

13 JUDGE HOFFMAN: Yeah, I know it. I

14 know it.

15 MR. ROBERTSON: Nothing further.

16 JUDGE HOFFMAN: Okay. We're off the

17 record.

18 (Time noted: 3:03 p.m. PDT)

19 --o0o--

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2 we intend to call Mr. Mohamed. I think right now

3 I'm inclined to think that we don't need to.

4 And then my understanding is once

5 Mr. German is done testifying, that that's it.

6 And then the only question for Your Honor -- and

7 again, we don't have to decide this tonight, but

8 we should all be thinking about it -- is do we

9 just close the evidence, and are we going to

10 do -- get the transcripts and do post-hearing

11 briefing and then defer closings after we do all

12 of that. But again, I don't think we need to

13 decide that tonight. I just throw that out there

14 because that seems to be the next step.

15 MR. WOODFIELD: Is Mohamed still an

16 employee of Tesla?

17 MR. ROBERTSON: No, he's not, Nick.

18 No, he left a while ago.

19 JUDGE HOFFMAN: Okay. Well, we don't

20 have anything further to do today. Tomorrow

21 we'll start with -- hopefully start with

22 Mr. German at 9 o'clock and then we'll figure out

23 what happens after that. And I think we're going

24 to do post-hearing briefs, then we'll figure out

25 what kind of schedule you want to reach, whether

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2 REPORTER'S CERTIFICATION

3

4 I, Debra A. Dibble, RDR, CRR,

5 Notary Public, hereby certify that this

6 transcript is a true record of the arbitration

7 proceedings held in the foregoing matter on

8 Tuesday, April 12, 2022.

9 I further certify that I am

10 neither counsel for, related to, nor employed by

11 any of the parties or attorneys in the action in

12 which these proceedings were taken; and, further,

13 I am not a relative or employee of any attorney

14 of record in these proceedings, nor am I

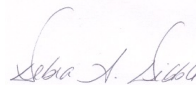
15 financially or otherwise interested in the

16 outcome of said proceedings.

17 Subscribed and sworn to on

18 this 4-12-2022.

19

20 

21

22 DEBRA A. DIBBLE

23 NCRA Registered Diplomate Reporter

24 NCRA Certified Realtime Reporter

25

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3	Complainant,	)	JAMS REFERENCE NO.
4		)	1260005897
5	v.	)	
6	ELON MUSK; TESLA, INC., TESLA	)	
7	MOTORS, INC.; and U.S.	)	
8	SECURITY ASSOCIATES,	)	
9	Respondents.	)	
10	_____	)	

EVIDENTIARY HEARING

WEDNESDAY, APRIL 13, 2022

VOLUME 3

On Wednesday, April 13, 2022, the  
following proceedings came on to be heard in the  
above-entitled and -numbered cause before  
Judge Carl (Bill) Hoffman (Ret.).

Proceedings were reported by stenographic method  
by: DEBRA A. DIBBLE, RDR, CRR, CRC  
Job no. 208977

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2

3 ARBITRATOR:

4 Judge Carl (Bill) W. Hoffman (Ret.)

5

6 FOR THE CLAIMANT:

7 EMPLOYMENT LAW GROUP

8 BY: NICHOLAS WOODFIELD, ESQ.

9 R. SCOTT OSWALD, ESQ.

10 888 17th Street N.W.

11 Washington, DC 20006

12

13 FOR THE RESPONDENT:

14 SEYFARTH SHAW LLP

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17 Two Seaport Lane

18 Boston, Massachusetts 02210

19

20 Counsel for Elon Musk; Tesla, Inc.; and

21 Tesla Motors, Inc.

22

23

24

25

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2 -----

3 P R O C E E D I N G S

4 April 13, 2022, 9:09 a.m. PDT

5 ----- .

6 JUDGE HOFFMAN: Mr. German, you are

7 the first witness for today's proceedings, and so

8 I'm going to ask that the court reporter swear

9 you in.

10 -----

11 MATTHEW DAVID GERMAN,

12 having been duly sworn,

13 testified as follows:

14 -----

15 EXAMINATION

16 -----

17 BY MR. WOODFIELD:

18 Q. Mr. German, my name is Nick

19 Woodfield. Could I get you to state your full

20 name for the record, please?

21 A. Full name is Matthew David German.

22 Q. And you've already testified in this

23 matter as the corporate representative of

24 U.S. Security Associates; correct?

25 A. Yes. Yes, sir.

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1 Hansen v Elon Musk - Arbitration Day 3

2 MARTENSON HASBROUCK & SIMON LLP

3 BY: JANINE BRAXTON, ESQ.

4 ALEX SMITH, ESQ.

5 ROBIN LARGENT, ESQ.

6 455 Capitol Mall

7 Sacramento, California 95814

8

9 Counsel for U.S. Security Associates

10

11 ALSO PRESENT:

12 Karl Hansen

13 Stephanie Stroup

14 Tesla in-house counsel

15

16 Jaime Bodiford

17 Tesla in-house counsel

18 Lisa Flegenheimer

19 Tesla paralegal

20

21

22

23

24

25

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2 Q. And you're testifying today in your

3 own personal capacity and as the representative

4 for U.S. Security Associates; correct?

5 A. Correct.

6 Q. By whom are you currently employed?

7 A. TAO Group Hospitality.

8 Q. And how long have you worked for

9 TAO Group?

10 A. Since June of 2021. So approaching

11 one year.

12 Q. And what were you doing before June

13 of 2021?

14 A. I was employed by Madison Square

15 Garden Entertainment.

16 Q. And how long did you work for Madison

17 Square Garden?

18 A. Roughly two years.

19 Q. And was that from October of 2019

20 until June of 2021?

21 A. Yes.

22 Q. And what is your job with TAO Group?

23 A. I am the head of global security for

24 TAO Group.

25 Q. And what were you doing before you



<p style="text-align: right;">Page 522</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 were working -- back prior to May of '20 --</p> <p>3 sorry, before October of 2019?</p> <p>4 A. I was unemployed from June of 2019</p> <p>5 until October of 2019.</p> <p>6 Q. And what happened in June of 2019?</p> <p>7 A. I was released from service from</p> <p>8 Allied Universal in a reduction of force due to</p> <p>9 the acquisition of U.S. Security Associates.</p> <p>10 Q. How long did you work for</p> <p>11 U.S. Security Associates?</p> <p>12 A. February of 2014 until my release in</p> <p>13 June of 2019.</p> <p>14 Q. And Allied Universal purchased</p> <p>15 U.S. Security Associates; is that correct?</p> <p>16 A. That is correct, yes.</p> <p>17 Q. What was your job title at Allied</p> <p>18 Universal?</p> <p>19 A. National account manager.</p> <p>20 Q. And how long did you work at</p> <p>21 U.S. Security Associates and subsequently</p> <p>22 Allied Universal?</p> <p>23 A. Five years. Five years.</p> <p>24 Q. And was that from February of 2014</p> <p>25 until March of 2019?</p>	<p style="text-align: right;">Page 523</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 A. Yes. I believe it was June 2019, but</p> <p>3 yes.</p> <p>4 Q. If you would, run us through your job</p> <p>5 history at U.S. Security, please.</p> <p>6 A. I started at U.S. Security in</p> <p>7 February of 2014 as an operations manager at a</p> <p>8 local branch office in Wichita, Kansas, servicing</p> <p>9 every client contract that we had in that</p> <p>10 specific market.</p> <p>11 Did that for roughly a year, maybe</p> <p>12 slightly more, and then was brought on to the</p> <p>13 national account team. Taking that over, I was</p> <p>14 initially a national account training manager,</p> <p>15 servicing a client called PacifiCorp out of</p> <p>16 Portland, Oregon and Salt Lake City, were the two</p> <p>17 corporate headquarter locations. But had</p> <p>18 numerous power plants scattered throughout the</p> <p>19 American West.</p> <p>20 Did that for roughly a year and then</p> <p>21 was effectively promoted into the actual national</p> <p>22 account management role supporting the same</p> <p>23 client. During the course of that time, I</p> <p>24 absorbed other contracts that were in the same</p> <p>25 geographical location as PacifiCorp, DynCorp</p>
<p style="text-align: right;">Page 524</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 being one based out of Cheyenne, Wyoming.</p> <p>3 And there was another smaller that I</p> <p>4 cannot recall at this time.</p> <p>5 Q. All right. And when did you -- when</p> <p>6 did you assume or pick up the Tesla national</p> <p>7 account?</p> <p>8 A. So the discussions that -- at least</p> <p>9 when I became involved were in May of 2018. I</p> <p>10 believe we actually brought that account on board</p> <p>11 in -- beginning in June of 2018.</p> <p>12 Q. And as the national account manager,</p> <p>13 for USSA on the Tesla contract, what were your</p> <p>14 job duties and responsibilities?</p> <p>15 A. I was responsible for the oversight</p> <p>16 and the coordination of deliverables from a</p> <p>17 security perspective -- security guards being the</p> <p>18 most namely -- for the entire Tesla agreement in</p> <p>19 North America.</p> <p>20 In addition to that, it was largely</p> <p>21 focused on client relationships.</p> <p>22 Q. And during the time that you were the</p> <p>23 Tesla national account manager, who was your</p> <p>24 employer?</p> <p>25 A. U.S. Security Associates.</p>	<p style="text-align: right;">Page 525</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 Q. Now, when you said that you were</p> <p>3 overseeing security officers there, roughly how</p> <p>4 many officers were there at Gigafactory that USSA</p> <p>5 put in place while you were there?</p> <p>6 MS. LARGENT: Objection, misstates</p> <p>7 the testimony.</p> <p>8 Go ahead.</p> <p>9 A. So I didn't oversee individual</p> <p>10 security officers. I oversaw the deliverables</p> <p>11 that they produced. Right? Making sure that,</p> <p>12 you know, the posts were covered, that we had</p> <p>13 enough staff, that the quality of that work was</p> <p>14 up to par.</p> <p>15 To answer the question, roughly 6- to</p> <p>16 800 throughout the Continental U.S.</p> <p>17 BY MR. WOODFIELD:</p> <p>18 Q. And how many were at the Gigafactory</p> <p>19 while you were there?</p> <p>20 A. I want to believe -- less than 100.</p> <p>21 75 to 100 is my estimate.</p> <p>22 Q. And what exactly were their job</p> <p>23 duties and responsibilities?</p> <p>24 A. Widely varying. It depended on the</p> <p>25 post that they were assigned.</p>

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2 Q. Can you give me some examples?

3 A. Again, entry points. So vehicle

4 gates. You know, checking vehicles as they come

5 in, parking placards, any kind of deliveries

6 there that are being received by the client.

7 Making sure they're logged in the logbook so we

8 have accurate representation, and, you know,

9 understanding who's coming in and who's going

10 out. That's one example.

11 Another example is supervisory-type

12 roles that oversee the actual physical security

13 guards from a direct perspective. They're very

14 mobile in nature, moving from post to post

15 ensuring that the security officers are, number

16 one, awake and healthy, and, you know, attentive

17 and doing what they're supposed to be doing

18 according to the post orders that were assigned

19 in the agreement.

20 Q. When did you first come to be aware

21 of an individual named Karl Hansen?

22 A. The exact date is -- I don't recall,

23 but I want to say sometime in either late May,

24 early June of 2018.

25 Q. I'm going to show you right now joint

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1 Hansen v Elon Musk - Arbitration Day 3

2 Q. And do you recall what Sean Gouthro's

3 job was at Tesla as of June 11, 2018?

4 A. He was the -- I'm not sure if he was

5 the manager or the lead. Yeah, I can't recall,

6 but he was involved in the investigations

7 department for Tesla.

8 Q. What was your understanding of why

9 Mr. Gouthro was sending you a list of individuals

10 that were being let go in a RIF by Tesla?

11 A. It was a handful of individuals that

12 Tesla wanted U.S. Security to consider bringing

13 on board with us, that they felt that the quality

14 of work and the product of work was great, and so

15 they wanted us to potentially extend offers for

16 them to remain in support of the Gigafactory,

17 just in a contract perspective with

18 U.S. Security.

19 Q. Did Mr. Gouthro talk to you or

20 emphasize three individuals in particular?

21 A. I don't recall having detailed

22 discussions with Sean specifically about three

23 individuals, but I certainly read the e-mail

24 which highlights it.

25 Q. And what was the discussion at Tesla

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2 Exhibit No. 206. And I'll put it up on the

3 screen.

4 MR. WOODFIELD: And I'm just going to

5 offer it into evidence at this point for the sake

6 of housekeeping.

7 JUDGE HOFFMAN: Any objection to 206?

8 MS. LARGENT: No, Your Honor.

9 JUDGE HOFFMAN: 206 is in.

10 (Whereupon, Exhibit 206 was

11 received.)

12 BY MR. WOODFIELD:

13 Q. Is this an e-mail you received on

14 June 11th from Sean Gouthro at Tesla?

15 A. Yes, sir.

16 Q. And this was forwarded from

17 Sean Gouthro, and it was an e-mail that he had

18 had with Parker Fellows.

19 Do you recall who Parker Fellows was?

20 A. I do.

21 Q. Who was Parker Fellows?

22 A. He was a manager, a Tesla-employed

23 manager. If memory serves correct, I believe he

24 was in the, like, fire safety, the safety

25 department.

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2 about Mr. Hansen?

3 MS. LARGENT: Objection, calls for

4 speculation.

5 MR. WOODFIELD: I'm not asking --

6 Well, Your Honor, I'm going to tell

7 him --

8 JUDGE HOFFMAN: Overruled.

9 Answer if you can.

10 THE WITNESS: Can you restate the

11 question, sir?

12 BY MR. WOODFIELD:

13 Q. Yes.

14 Can you tell me what you understood

15 the discussion to be at Tesla about Mr. Hansen as

16 it was reported to you?

17 A. That he was a very good employee, did

18 very well at his job, had value to the

19 organization at Tesla. Tesla was forced to have

20 a reduction in its staff. I'm not sure as to the

21 nature of why. My speculation, I suppose, would

22 be financial troubles.

23 But while they figured that they had

24 to do this, Karl was certainly one of the

25 individuals that was highlighted as being a

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1 Hansen v Elon Musk - Arbitration Day 3  
2 superb performer, and they would like for us to  
3 take that into account.  
4 Q. Now, after -- did you have an  
5 opportunity to work with Mr. Hansen at any point?  
6 A. Not directly, no.  
7 Q. Did you have an opportunity to hear  
8 feedback from USSA supervisors and co-workers  
9 about Mr. Hansen's performance?  
10 A. In relation to his time as a Tesla  
11 employee?  
12 Q. In terms of his value as a security  
13 employee at the Tesla Gigafactory in 2018.  
14 A. Upon his inception into  
15 U.S. Security, certainly, yes. Prior to that, no  
16 contract employee would have had, to my  
17 knowledge, any insight into Karl's performance as  
18 a Tesla employee.  
19 Q. Well, did you form the opinion that  
20 he'd be a good employee, a good security officer  
21 for USSA?  
22 A. I did. I had no reason to speculate  
23 otherwise.  
24 Q. And as of June of 2018, had you  
25 received any contradictory information about

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1 Hansen v Elon Musk - Arbitration Day 3  
2 amount, but it was -- we did have pricing that we  
3 had submitted to Tesla and to some degree was  
4 accepted, although the position never  
5 materialized. And I'm unsure as to why Tesla  
6 made that decision, but there certainly was  
7 pricing established.  
8 Q. What was it roughly, that you recall?  
9 A. 80,000. Somewhere between 80 to  
10 90,000 annual.  
11 Q. In terms of compensation for the  
12 employee?  
13 A. Correct. Yes, sir.  
14 Q. What were the job duties and  
15 responsibilities supposed to be?  
16 A. They were never established.  
17 Q. And did you discuss with Mr. Hansen  
18 potentially hiring him into that position?  
19 A. I did, yes.  
20 Q. And did you talk to him about the  
21 tenure of that position if you were able to hire  
22 him into it?  
23 A. Can you clarify that for me? I'm  
24 unsure as to --  
25 Q. Yes.

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1 Hansen v Elon Musk - Arbitration Day 3  
2 Mr. Hansen other than what was reported to you by  
3 Mr. Gouthro and Mr. Fellows?  
4 A. No.  
5 Q. What is a specialty position?  
6 A. Generally speaking, it is anything  
7 additional to our normal scope of services, which  
8 is security guard services, security supervisor  
9 services and account management.  
10 So anything that doesn't fall within  
11 those three categories would be considered  
12 specialty. Executive protection is an example of  
13 that. Armed security officers, another example.  
14 Q. Were you looking to hire Mr. Hansen  
15 into a specialty position?  
16 A. Yes. Namely, an investigator, I  
17 guess, department, for lack of a better term, but  
18 that Tesla wanted us to -- us being U.S. Security  
19 Associates -- to house and manage. It's not  
20 something we traditionally did, so it was  
21 certainly a specialty type role.  
22 Q. And what were the -- what would have  
23 the terms and conditions of the compensation have  
24 been for that investigation position?  
25 A. I don't recall the specific dollar

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1 Hansen v Elon Musk - Arbitration Day 3  
2 How long was USSA's contract with  
3 Tesla?  
4 A. Three years.  
5 Q. And would the -- if the specialty  
6 position was to be in force, would it be in -- or  
7 be part of the contract, would it be part of the  
8 contract for three years? Was that what was  
9 contemplated?  
10 A. Yes, it would have been added as an  
11 addendum to the agreement, falling under the same  
12 parameters.  
13 Q. And did you discuss that with  
14 Mr. Hansen?  
15 A. I don't recall discussing that piece  
16 of it particularly with Karl. There certainly  
17 was discussions with Tesla about that.  
18 Q. And what, if anything, was told to  
19 you about why Tesla shifted away from that  
20 position?  
21 A. They decided to -- to my knowledge,  
22 they decided to retain the investigator role  
23 in-house, meaning as a Tesla-offered position.  
24 And it also seemed that there was a consolidation  
25 effort into a single geographic location.

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1 Hansen v Elon Musk - Arbitration Day 3  
2 Q. When did Mr. Hansen, when was he  
3 hired by Tesla? I mean by -- forgive me, by  
4 USSA?  
5 A. Officially, I believe mid-July of  
6 2018.  
7 Q. And do you recall what job he was  
8 hired to take?  
9 A. Security officer.  
10 Q. And do you recall what the  
11 compensation was for that?  
12 A. Not directly. Somewhere around \$20,  
13 I believe, \$20 an hour.  
14 Q. And annualized, how much was that?  
15 A. Depends how many hours a week they  
16 work.  
17 Q. If you worked 40 hours a week?  
18 MS. LARGENT: I don't think he's  
19 asking you to do calculations.  
20 MR. WOODFIELD: If you know.  
21 A. Okay. I do not know.  
22 BY MR. WOODFIELD:  
23 Q. Was it a substantial step down from  
24 the job that you had initially discussed for  
25 Mr. Hansen in terms of compensation?

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1 Hansen v Elon Musk - Arbitration Day 3  
2 the local Tesla counterparts. That would be guys  
3 like Sean, like Parker. So he communicated with  
4 them on a daily basis.  
5 Any client requests, you know, if  
6 they need an adjustment in the scope of work or,  
7 you know, we want to add a few things here and  
8 there on post orders that we'd like the security  
9 guards to help us out with, that would have been  
10 run through Mr. McLellan.  
11 Q. And in late June, did you advise  
12 Mr. Hansen that after speaking with  
13 Mr. Jeff Jones, that you directed Mr. McLellan to  
14 put Mr. Hansen on the books as a swing-shift  
15 supervisor?  
16 A. I did, yes.  
17 Q. And why did you put -- why did you  
18 advise Mr. McLellan to put Mr. Hansen on the  
19 books as a swing-shift supervisor?  
20 A. So I believe at that point in time  
21 there were several other things that had  
22 happened, but one being that I had Karl's resumé  
23 and had a chance to review it. And it was a  
24 certainly far more decorated past than anybody  
25 else that we could have selected that currently

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1 Hansen v Elon Musk - Arbitration Day 3  
2 A. Yes.  
3 Q. And was Mr. Hansen disappointed?  
4 A. I imagine so.  
5 Q. And were you disappointed in the job  
6 that you were offering to him?  
7 A. It was not offered in terms of that.  
8 We had to get him on the books and officially  
9 hired into U.S. Security, and the only job codes  
10 that we had built at that time were security  
11 officer positions. It was never the intent for  
12 him to stay there. It was a formality to get him  
13 into our system.  
14 It's not an uncommon practice.  
15 Q. And did you -- can you tell me who  
16 Rick McLellan is?  
17 A. Rick McLellan was the account manager  
18 working directly underneath me assigned to the  
19 Gigafactory in Sparks, Nevada.  
20 Q. And what was Mr. McLellan's job, or  
21 what were his job duties and responsibilities as  
22 the account manager?  
23 A. He had day-to-day direct oversight of  
24 all contract security-related items.  
25 So a lot of direct involvement with

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1 Hansen v Elon Musk - Arbitration Day 3  
2 existed at that site. He was far more qualified  
3 to serve as a supervisor for us than -- to my  
4 recollection, than anyone else there.  
5 Q. And do you recall what the rate was  
6 per hour?  
7 A. 27, I believe. \$27 an hour.  
8 Q. And did the -- at some point did  
9 you -- hold on one sec.  
10 At some point did you receive some  
11 pushback from Tesla about classifying or  
12 categorizing Mr. Hansen as a swing-shift  
13 supervisor?  
14 A. Yes, I believe I did.  
15 Q. And when was that, roughly?  
16 A. Maybe mid-to-late July.  
17 Q. And who told you they did not want  
18 Mr. Hansen to be a swing-shift supervisor?  
19 A. For clarification, I don't think I  
20 ever got told that they didn't want it; but that  
21 conversation would have been between either Sean  
22 and myself or Jeff Jones and myself or a  
23 combination of the two and myself.  
24 Q. And what did -- what were you told?  
25 A. I don't recall the specifics. We're

<p style="text-align: right;">Page 538</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 approaching nearly four years ago. But it would</p> <p>3 have been something to the effect of, Are you</p> <p>4 sure that, you know, you want Karl in this role?</p> <p>5 And my answer was, you know, for the time that</p> <p>6 I've interacted with him and, you know, have seen</p> <p>7 what he has done, the answer is yes.</p> <p>8 Q. And what were you told in response?</p> <p>9 A. Nothing. They didn't try and block</p> <p>10 it -- well, I would consider that to be an</p> <p>11 attempt at a block. However, we -- being</p> <p>12 U.S. Security Associates, we have kind of the</p> <p>13 ultimate authority of who we assign into specific</p> <p>14 roles, and Karl was certainly an individual that</p> <p>15 I wanted to serve in that role.</p> <p>16 Q. Did anyone tell you why there was any</p> <p>17 reticence or reluctance on the part of Tesla</p> <p>18 about Mr. Hansen serving in that role?</p> <p>19 A. Not at that time, no.</p> <p>20 Q. Did anyone tell you subsequently?</p> <p>21 A. Not directly. There was certainly a</p> <p>22 ton of cryptic speech that -- I didn't want to</p> <p>23 get involved in, quite frankly. Speak plainly</p> <p>24 and I'll make the decisions based upon that,</p> <p>25 but...</p>	<p style="text-align: right;">Page 539</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 Q. Who was engaging in cryptic speech?</p> <p>3 A. It was a common Tesla practice.</p> <p>4 Nearly all of them, if not all of them. Jeff,</p> <p>5 Sean, Parker. A lot of the names escape me, you</p> <p>6 know, now, but a lot of the -- the investigator,</p> <p>7 the Tesla investigators. I had minimal</p> <p>8 interaction with them, but when I did, it was --</p> <p>9 you'd think you were dealing with the NSA or</p> <p>10 something.</p> <p>11 Q. Give me an example of cryptic speech</p> <p>12 that anyone in particular was telling you about</p> <p>13 Mr. Hansen.</p> <p>14 A. I don't think I can give specific</p> <p>15 examples of cryptic speech. I think the best</p> <p>16 example was from a combo -- from what I remember,</p> <p>17 a combo of Jeff and Sean, you know, acting kind</p> <p>18 of strange when we were going through our</p> <p>19 selections for the supervisor roles and picking</p> <p>20 Karl specifically out of that, saying, Are you</p> <p>21 sure you want that? And the answer was yes.</p> <p>22 That, to me, is a cryptic sign.</p> <p>23 Q. Let me show you some texts you sent</p> <p>24 back and forth with Mr. Hansen.</p> <p>25 These are marked and in evidence as</p>
<p style="text-align: right;">Page 540</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 joint Exhibit 121.</p> <p>3 Do you have the exhibits or this text</p> <p>4 in front of you?</p> <p>5 A. Excuse me, sir.</p> <p>6 Q. Do you have the texts in front of</p> <p>7 you?</p> <p>8 A. I do not.</p> <p>9 Q. Hold on one second.</p> <p>10 Do you have the texts in front of</p> <p>11 you?</p> <p>12 A. I can see them now, yes.</p> <p>13 Q. Do you recall telling Mr. Hansen: I</p> <p>14 got shot down. I don't know what the specifics</p> <p>15 are, but I can offer you an officer role at</p> <p>16 19.80. I truly hate doing this and don't</p> <p>17 understand why, but I have my orders.</p> <p>18 A. I do recall.</p> <p>19 Q. And what did you mean by you "got</p> <p>20 shot down"?</p> <p>21 A. I believe that was when we were</p> <p>22 experiencing some of that cryptic -- that cryptic</p> <p>23 speech among the Tesla folks. There was also</p> <p>24 indications in that specific --</p> <p>25 Can you scroll back up, please?</p>	<p style="text-align: right;">Page 541</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 Q. Certainly.</p> <p>3 A. There's also indication in that</p> <p>4 particular message there. We were having some</p> <p>5 internal struggles in getting the account ready</p> <p>6 and prepping to take it over from Securitas,</p> <p>7 namely from an HR perspective.</p> <p>8 As I believe I previously mentioned,</p> <p>9 at that time the only job codes that had been</p> <p>10 created in support of a Gigafactory account were</p> <p>11 security officer roles. In order to get</p> <p>12 Mr. Hansen on the books for us officially as an</p> <p>13 employee of U.S. Security, we have to assign him</p> <p>14 a job code. That's the way the HR IS system</p> <p>15 works. The only job codes that exist, once</p> <p>16 again, were security officer roles.</p> <p>17 So the orders mentioned -- there is a</p> <p>18 reference to a U.S. Security internal struggle</p> <p>19 where the regional president and I didn't</p> <p>20 necessarily see eye to eye on the speed that his</p> <p>21 team was moving in getting the account prepped,</p> <p>22 so...</p> <p>23 Q. Did you believe that someone was</p> <p>24 playing BS games with you?</p> <p>25 A. No. Not at this point, no.</p>



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1 Hansen v Elon Musk - Arbitration Day 3

2 Q. Let me refer you to a little further

3 down, to an e-mail you sent subsequently in that

4 e-mail chain where you said: You are my swing

5 sup. End of story. I refuse to play BS games.

6 Do you recall sending that text?

7 A. I do.

8 Q. What were you talking about there?

9 A. I can't recall exactly what I mean,

10 but, I mean, the end state is that Karl was going

11 to be the swing-shift supervisor.

12 Q. And did Mr. Hansen ever end up being

13 the swing-shift supervisor?

14 A. I believe so. For a short period of

15 time, yes, I believe so.

16 Q. When Mr. Hansen was working for USSA,

17 did you ever have any criticisms of his job

18 performance?

19 A. Certainly not. Definitely not.

20 Q. I'm going to show you now an exhibit

21 marked as joint Exhibit 186.

22 JUDGE HOFFMAN: What was the number

23 again, please?

24 MR. WOODFIELD: 186.

25 JUDGE HOFFMAN: Thank you.

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2 Gigafactory for having sent it?

3 A. I do.

4 Q. And do you recall telling him that if

5 he was removed from the Gigafactory, that you

6 expected that USSA would likely try to find him a

7 job at a reduced rate of pay somewhere else?

8 A. I do recall that. However, I refute

9 the reduced rate of pay. I made conceded (sic)

10 efforts to retain his pay. Whether it actually

11 happened or not once he departed the Tesla

12 account, I had no control over that. They would

13 then turn it over to the region.

14 Q. I'd like to play a recording for you

15 at this time to see if it refreshes your

16 recollection, sir.

17 A. Okay.

18 MS. LARGENT: We're going to object

19 to this, Your Honor.

20 As we discussed a little bit

21 yesterday, I believe what Mr. Woodfield is about

22 to play is a recorded call, not the one that was

23 played a couple of days ago with Mr. Hansen, but

24 a different one that Mr. Hansen recorded without

25 Mr. German's consent or knowledge, making the

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2 BY MR. WOODFIELD:

3 Q. Did Mr. Hansen forward to you this

4 e-mail that he had sent to Sean Gouthro, Elon

5 Musk, Gerhard Pretorius, Jake Nocon, Jeff Jones,

6 and Nick Gicinto after he sent it to them on

7 Friday, August 3rd?

8 A. Yes.

9 Q. And what was your response when you

10 received it from Mr. Hansen?

11 A. I didn't necessarily understand the

12 nature of what was being discussed. These were

13 things that were being flagged that were entirely

14 inclusive of Tesla and had no impact on how I was

15 to carry out my duty as the national account

16 manager assigned as a contract security.

17 Q. Do you recall telling Mr. Hansen that

18 you don't blame him for sending it?

19 A. I'll never blame anybody for doing

20 what they think is right.

21 Q. Do you recall telling Mr. Hansen you

22 don't blame him for sending it?

23 A. I do not recall that, no.

24 Q. Do you recall telling him that you

25 wouldn't be surprised if he was removed from the

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2 recording illegal. It's not being used for

3 impeachment purposes. Mr. Woodfield is

4 attempting to use it on direct for other

5 purposes. It wasn't disclosed on the witness

6 list, for one thing -- or excuse me, on the

7 exhibit list, for one thing, making it improper.

8 Additionally, I don't believe that

9 USSA has waived any right to object to this based

10 on the illegal nature of the recording by virtue

11 of having used a different call for impeachment

12 purposes against Mr. Hansen, who is the one who

13 engaged in the wrongful conduct by recording the

14 call.

15 In my view, you know, this is not

16 that different than a situation where you've got

17 someone who goes to ten different stores and

18 engages in ten different thefts. If the district

19 attorney's office decides not to prosecute one,

20 they're not waiving the right to prosecute the

21 other nine.

22 Each act is illegal, and the person

23 who engages in the illegal recording shouldn't

24 get to benefit from that. That wouldn't serve

25 any policy associated with the Nevada law making

<p style="text-align: right;">Page 546</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 it illegal to do this in the first place.</p> <p>3 And in Lane versus Allstate, a Nevada</p> <p>4 Supreme Court case, the Court held that the</p> <p>5 appropriate remedy is exclusion of the evidence</p> <p>6 in those circumstances.</p> <p>7 JUDGE HOFFMAN: I'm interested to</p> <p>8 know, Mr. Woodfield, on why this wasn't disclosed</p> <p>9 previously in your case in chief.</p> <p>10 MR. WOODFIELD: Your Honor, this is</p> <p>11 impeachment evidence. I'm really kind of -- I</p> <p>12 wouldn't make the argument that USSA did, that</p> <p>13 when it uses the recording that was made</p> <p>14 immediately before this for impeachment purposes</p> <p>15 and then argues that the next impeachment -- or</p> <p>16 the next recording cannot be used for impeachment</p> <p>17 purposes because it wasn't disclosed. I find</p> <p>18 that a fairly hypocritical position.</p> <p>19 I'm kind of -- I would be embarrassed</p> <p>20 to make that argument. But I'm offering it. And</p> <p>21 while USSA may make the suggestion that I'm not</p> <p>22 offering it for impeachment purposes, I assure</p> <p>23 you I am offering it for impeachment purposes</p> <p>24 because it is a prior inconsistent statement.</p> <p>25 I'm being gentle by telling the witness that I'm</p>	<p style="text-align: right;">Page 547</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 offering -- I'm going to play it for him to see</p> <p>3 if it refreshes his recollection, but he stated</p> <p>4 to the contrary.</p> <p>5 And the fact that USSA feels that it</p> <p>6 can use the recordings that it has had -- that</p> <p>7 they have had for months offensively and then</p> <p>8 seek to use them defensively subsequently, I find</p> <p>9 a very -- I wouldn't make such arguments. But I</p> <p>10 am offering this not as substantive evidence but</p> <p>11 to impeach the witness and then to ask if the</p> <p>12 witness might recall subsequently what he said.</p> <p>13 JUDGE HOFFMAN: What is the --</p> <p>14 setting aside the legality of the recording, what</p> <p>15 is the issue to be impeached? I must have missed</p> <p>16 it along the way. What is it that Mr. German</p> <p>17 said that you now want to contradict?</p> <p>18 MR. WOODFIELD: Mr. German in the</p> <p>19 recording states specifically that he does not</p> <p>20 blame Mr. Hansen for sending the e-mail that's</p> <p>21 marked as joint Exhibit 186 and that he wouldn't</p> <p>22 be surprised if Tesla removed him from the</p> <p>23 Gigafactory.</p> <p>24 And then he states: I expect that</p> <p>25 you're going -- that we will try and find you</p>
<p style="text-align: right;">Page 548</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 another job, but you've got to understand it's</p> <p>3 probably going to be at a lower rate of pay,</p> <p>4 which is contrary to what he just testified to.</p> <p>5 JUDGE HOFFMAN: Okay, I guess I</p> <p>6 understood that is what he testified to. So,</p> <p>7 okay. I'm going to allow you to play the</p> <p>8 impeachment. How long is it?</p> <p>9 MR. WOODFIELD: It is roughly four</p> <p>10 minutes -- well, it's three and a half minutes</p> <p>11 here.</p> <p>12 MS. LARGENT: I don't think the</p> <p>13 portion that he's referring to as stating that is</p> <p>14 four minutes long. Again, I am objecting to him</p> <p>15 trying to play an entirety of a conversation for</p> <p>16 one tiny part of it that he's claiming is</p> <p>17 impeachment, for what Mr. German has said.</p> <p>18 JUDGE HOFFMAN: Can you nail that</p> <p>19 down a little bit more?</p> <p>20 MR. WOODFIELD: Your Honor, I -- the</p> <p>21 clip is 3.25. I appreciate USSA's concern about</p> <p>22 the austerity of the time. The reason we're here</p> <p>23 today is because of USSA's delays in -- on Monday</p> <p>24 in terms of how long it took. I appreciate that</p> <p>25 it is concern, but I will clip three minutes of</p>	<p style="text-align: right;">Page 549</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 direct testimony to go through this. But I</p> <p>3 really -- I just don't -- I assure you that we</p> <p>4 are not going to hear a lot of wasted verbiage</p> <p>5 here.</p> <p>6 And I -- I also understood that the</p> <p>7 arbitrator has ruled, and it seems like USSA just</p> <p>8 keeps coming back and rearguing the point, and I</p> <p>9 think at some point we're just wasting time.</p> <p>10 MS. LARGENT: I don't see why we</p> <p>11 can't take a break and he can find the part he</p> <p>12 wants to play. We're happy to do that.</p> <p>13 MR. WOODFIELD: This is more of the</p> <p>14 same wasting time, Your Honor.</p> <p>15 JUDGE HOFFMAN: Yeah. Go ahead and</p> <p>16 play the recording and let's move on.</p> <p>17 MR. WOODFIELD: Thank you.</p> <p>18 (Tape played.)</p> <p>19 Mr. German: Outside of this Ricky,</p> <p>20 Rick -- was trying to set up your -- that phone</p> <p>21 call or whatever the fuck they were trying to do</p> <p>22 with you.</p> <p>23 Mr. Hansen: Ricky Gecewich. Okay.</p> <p>24 Mr. German: Yeah. And that's been</p> <p>25 over a week.</p>

<p style="text-align: right;">Page 550</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 Mr. Hansen: Yeah. Yeah. We had one</p> <p>3 meeting. I went in and, you know, on the advice</p> <p>4 of counsel, I told them that I'd listen to them.</p> <p>5 I've presented them everything they needed. And</p> <p>6 that -- that's fine. But anyway, I just didn't</p> <p>7 know where things stood.</p> <p>8 You know, and I had already -- I told</p> <p>9 them I had nothing more to say, you know? And if</p> <p>10 he wanted to, I'd review his stuff and we</p> <p>11 could -- we'd get together next week. And</p> <p>12 essentially he sent me a follow-on e-mail</p> <p>13 indicating the scope of his investigation. And</p> <p>14 obviously I felt that there was more to that and</p> <p>15 just decided to decline.</p> <p>16 Mr. German: The thing is that --</p> <p>17 yeah. And then I don't (indiscernible).</p> <p>18 Mr. Hansen: Say that again? I</p> <p>19 didn't hear you.</p> <p>20 Mr. German: I said I (indiscernible)</p> <p>21 for what you did. I mean, I think it needed to</p> <p>22 be done and I think you saw what needed to be</p> <p>23 done.</p> <p>24 I would not be surprised, Karl,</p> <p>25 however, if even though this thing happened while</p>	<p style="text-align: right;">Page 551</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 you were a Tesla employee, I would not be</p> <p>3 surprised in the least if it (indiscernible)</p> <p>4 site. Be prepared for that.</p> <p>5 Mr. Hansen: Yeah, no, if they come</p> <p>6 to you and ask you to remove me from the site.</p> <p>7 Did I hear that right? I just have a shitty</p> <p>8 signal here. I can't --</p> <p>9 Mr. German: Yeah.</p> <p>10 Mr. Hansen: And I expect that,</p> <p>11 truly, I do, which is why I wanted to call you</p> <p>12 tonight. I wanted to give you at least that</p> <p>13 professional courtesy. Because, Matt, like I</p> <p>14 said, you've been exceptional to me, and I do</p> <p>15 appreciate it, but I understand the strategic</p> <p>16 importance of the U.S. Security contract, you</p> <p>17 know?</p> <p>18 And the bottom line is, Tesla</p> <p>19 knows -- you know, Tesla knows that it's a</p> <p>20 federal violation if they do that, if it's</p> <p>21 reported. And that's fine. I get it. You know,</p> <p>22 that would be retaliation, and I know that that</p> <p>23 is what it is. But if you get that call, please</p> <p>24 contact me directly. And I -- you know.</p> <p>25 Mr. German: Sure.</p>
<p style="text-align: right;">Page 552</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 Mr. Hansen: The bottom line is, I</p> <p>3 get it. I understand it. Don't --</p> <p>4 Mr. German: (Indiscernible) Yeah,</p> <p>5 when I said don't be shocked if it happens, it</p> <p>6 doesn't mean that I'm obligated to follow through</p> <p>7 on anything.</p> <p>8 Mr. Hansen: Well, you -- I want you</p> <p>9 to understand that the --</p> <p>10 Mr. German: Do you know what I mean?</p> <p>11 Mr. Hansen: Yes, I do, and I get</p> <p>12 that. And believe me, trust me, I know you're</p> <p>13 not obligated to follow through and the client</p> <p>14 can make recommendations. But at the same time,</p> <p>15 I also want you to understand that that</p> <p>16 environment out there is -- is something else. I</p> <p>17 mean, maybe we can talk about a transfer to</p> <p>18 another post if that happens within U.S. Security</p> <p>19 or something along those lines.</p> <p>20 Mr. German: Yeah. Absolutely.</p> <p>21 Mr. Hansen: Okay. All right,</p> <p>22 brutha.</p> <p>23 Mr. German: (Indiscernible) we have</p> <p>24 another national (indiscernible). It's not going</p> <p>25 to pay anywhere near what you're making at Tesla,</p>	<p style="text-align: right;">Page 553</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 but we do have at least three other national</p> <p>3 accounts right down the road.</p> <p>4 Mr. Hansen: Okay. And you'd be okay</p> <p>5 to --</p> <p>6 Mr. German: The options are there.</p> <p>7 Mr. Hansen: So you'd be okay to keep</p> <p>8 me on as an employee with U.S. Security even if</p> <p>9 Tesla says get this guy off-site. I can still</p> <p>10 work with you?</p> <p>11 Mr. German: Absolutely. Because</p> <p>12 whatever happened is none of my concern and/or</p> <p>13 business because it occurred under the Tesla</p> <p>14 watch.</p> <p>15 Mr. Hansen: Understood.</p> <p>16 Mr. German: (Indiscernible) issues.</p> <p>17 Mr. Hansen: And, of course, my pay</p> <p>18 would be reduced to whatever that site paid;</p> <p>19 correct?</p> <p>20 Mr. German: Correct. Yeah, correct.</p> <p>21 Mr. Hansen: Okay. Fair enough.</p> <p>22 Matt, I -- you know, that is what it</p> <p>23 is.</p> <p>24 Mr. German: I will be there Monday.</p> <p>25 Mr. Hansen: You're going to be in</p>

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2 Monday?

3 (End of tape played.)

4 MR. WOODFIELD: I can play the rest

5 if you'd like, but we can stop it there.

6 I can play the rest if you'd like,

7 but we can stop it there.

8 THE WITNESS: Is that for me?

9 BY MR. WOODFIELD:

10 Q. Do you recall that conversation, sir?

11 A. I do now, yes.

12 Q. And was that your voice, sir?

13 A. Yes.

14 Q. It was that in response to your being

15 contacted by Ricky Gecewich?

16 A. Yeah, I believe that's his name, yes,

17 sir.

18 Q. And this is such a silly question,

19 because we have to ask everyone this, but do you

20 remember how to say Gecewich or whatever his name

21 is?

22 A. I never met the individual. I don't

23 know how to say his name.

24 Q. Okay. Gecewich.

25 A. We can go with that. It's fine by

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2 Jeff Jones asking that Mr. Hansen be removed from

3 the Tesla compound, the Tesla Gigafactory

4 compound?

5 A. I do.

6 Q. And what, if anything, did he tell

7 you was the reasoning behind it?

8 A. There was no reasoning provided. It

9 was, again, a cryptic -- a cryptic call that

10 lasted perhaps 60 seconds. I was at home in

11 Kansas, received the call very late at night for

12 me, so right around midnight-ish, I believe.

13 And the message was pretty blunt and

14 clear, and it was to inform Mr. Hansen that he

15 was no longer welcome on Tesla property. And to

16 some degree I believe Jeff hung up after that.

17 But I do remember that, you know, Karl had

18 requested of me to -- if that happened, to let

19 him know directly, and so I did.

20 Q. When, if ever, did you discuss with

21 Mr. Jones, Mr. Musk arriving on August 30, 2018

22 at the Gigafactory through the west gate

23 entrance?

24 MS. LARGENT: Sorry, Nick, can you

25 repeat that? I missed it.

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2 me.

3 Q. Okay. I'm showing you right now

4 Exhibit 165.

5 Have you -- do you recall seeing this

6 e-mail that was sent to you on August 3rd at

7 1:15 p.m.?

8 A. I do recall that. I was the author

9 of that e-mail.

10 Q. And this was an e-mail that you were

11 sending after Ricky Gecewich reached out to you

12 after Mr. Hansen had told you he had sent the

13 e-mail; correct?

14 That we had discussed, the e-mail

15 where he had reached out to Elon Musk?

16 A. Correct, yes.

17 Q. And that was the e-mail that you told

18 Mr. Hansen that you wouldn't be surprised if

19 Tesla removed him from the Gigafactory site for?

20 A. Correct.

21 Q. Do you recall having a conversation

22 on or about August 30th with Jeff Jones?

23 A. It's likely. I had conversations

24 frequently with Jeff.

25 Q. Do you recall a conversation about

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2 BY MR. WOODFIELD:

3 Q. Yeah, let me ask you: Was it your

4 understanding that Mr. Jones communicated with

5 you about Mr. Musk traveling through the west

6 gate of the Gigafactory entrance on August 30,

7 2018, shortly before Tesla said that Mr. Hansen

8 was to be removed from the contract?

9 A. I do not recall the date of that

10 discussion. I do recall the content -- or I

11 guess the context, rather. Yes.

12 Q. Well, let me just read this from your

13 deposition. It's page 76, line 14.

14 Was it your understanding that that

15 was about August 30, 2018, shortly before Tesla

16 said that he was to be removed from the contract?

17 And you said, Answer: That sounds

18 accurate.

19 Let me read you -- or let me ask you:

20 What did Mr. Jones tell you about any interaction

21 about -- between Mr. Hansen and Mr. Musk at the

22 west gate of the Gigafactory at the end of

23 August, 2018?

24 A. Again, to my recollection, it was,

25 again, very cryptic. I was told that there was

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2 an interaction. I believe I asked if it was --  
3 if there was anything physical in nature. And  
4 the answer to that was no.  
5 I also believe I asked was there  
6 anything, you know, extremely negative in nature,  
7 and I believe the answer I received was, it's  
8 unknown at this time.  
9 Q. And Mr. Jones told you that at the  
10 same time that he was telling you that Mr. Hansen  
11 was no longer supposed to be on the Gigafactory  
12 property?  
13 A. I don't believe so. I believe there  
14 were -- I believe they were separate calls.  
15 Q. Let me refer you to your deposition  
16 testimony again, and I'll just read you page 75,  
17 line 17 -- or line 18 through line -- 76,  
18 line 17. And it's:  
19 What I'm wondering is, do you  
20 remember -- did you ever discuss with Mr. Hansen  
21 Mr. Musk arriving at the Gigafactory through the  
22 west gate entrance?  
23 Answer: I do not recall specifically  
24 interacting with Mr. Hansen on this, but I do  
25 have knowledge that this interaction occurred,

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2 Q. Does that sound correct now?  
3 A. I honestly don't see a whole lot of  
4 difference in what I provided today.  
5 Can you help me identify that  
6 specific part? Maybe I can elaborate.  
7 JUDGE HOFFMAN: Mr. Woodfield, would  
8 you take down your exhibit if you're not going to  
9 use it?  
10 MR. WOODFIELD: Yes. Thank you.  
11 Sorry, I forgot it was up.  
12 BY MR. WOODFIELD:  
13 Q. Was Mr. Musk removed on or about --  
14 excuse me. Was Mr. Hansen removed on or about  
15 September 5th officially by USSA from the  
16 Gigafactory as per Tesla's request?  
17 A. Did you say September 5th?  
18 Q. Yes, September 4th or 5th of 2008.  
19 A. That sounds accurate. Sounds right.  
20 Q. Was USSA free to say to Tesla, no, I  
21 want to keep -- we want to keep Mr. Hansen on  
22 this property. We're going to staff it however  
23 we would like to?  
24 A. To some degree. Generally speaking,  
25 when clients request removal, it's something that

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2 from what I can remember, other sources, namely  
3 Jeff Jones.  
4 Question: What did Mr. Jones tell  
5 you?  
6 Answer: That there was a negative  
7 interaction with Mr. Hansen and Mr. Musk at the  
8 west gate. He would not go into the specifics  
9 around that interaction. As that was told to me,  
10 Mr. Hansen and Mr. Musk were the only two  
11 present.  
12 So even Mr. Jones did not have --  
13 didn't have the full scope and download of the  
14 entire interaction. So once again, I was not  
15 provided the full breadth of the information at  
16 hand.  
17 Question: Was it your understanding  
18 that that was about August 30, 2018, shortly  
19 before Tesla said that he was to be removed from  
20 the contract?  
21 Answer: That sounds accurate.  
22 BY MR. WOODFIELD:  
23 Q. Do you recall testifying that way,  
24 sir?  
25 A. I do.

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2 industry practice is generally accommodated. Had  
3 I felt at that point in time -- and again, I was  
4 provided cryptic information from nearly everyone  
5 involved, was not really provided enough  
6 information for me to make a -- an opinion that I  
7 would be willing to jeopardize, you know, my  
8 stance within this -- within my employer for.  
9 Okay?  
10 However, if I had any indication that  
11 there was illegal behaviors associated with the  
12 request, I would not have honored it. I would  
13 have automatically referred it to our HR team,  
14 because then it becomes, for me, a consideration  
15 of, you know, protecting that particular employee  
16 from anything further retaliatory-wise on that  
17 site.  
18 If we get the client request removal  
19 and I feel that there is any illegal activity  
20 associated with that request, and we subsequently  
21 leave that individual on that site, that creates  
22 a pretty bad environment for that employee.  
23 However, we would have done that, and, you know,  
24 asked the employee if they feel comfortable  
25 remaining at the site. If not, they are free to



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2 leave, and, you know, we'll pay them as normal.  
3 But I did not get the sense with the  
4 information that I had been provided up to this  
5 time that there was anything illegal with Tesla's  
6 request; therefore, it was honored.  
7 Q. What was your understanding of why  
8 Tesla wanted Mr. Hansen removed from the  
9 Gigafactory compound?  
10 A. Yeah, so it's my understanding it was  
11 more centered around a request to meet with HR --  
12 I believe it was HR. It could have been a blend  
13 of HR and Tesla employees and what I labeled to  
14 be -- or what I understood to be a request to  
15 finalize investigations that Mr. Hansen had  
16 worked on for Tesla, perhaps turn over  
17 information for that, to which that meeting did  
18 not occur.  
19 Q. Do you recall that roughly one month  
20 earlier, you were speculating with Mr. Hansen and  
21 you were bracing him for the possibility that you  
22 expected that he was going to be removed because  
23 of the August 3rd e-mail that he sent to  
24 Elon Musk?  
25 A. I'm not sure I can agree to the time

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2 to HR?  
3 A. I did.  
4 Q. And what did HR do about it?  
5 A. Began working directly with  
6 Gecewich -- or Gecewich.  
7 Q. And what is your understanding  
8 that -- of Tesla's response when Mr. Gecewich  
9 inquired of Tesla about what was going on?  
10 A. I have no understanding. I was not  
11 present.  
12 Q. Do you know if USSA -- ever  
13 investigating why Mr. Hansen was removed from the  
14 Gigafactory?  
15 A. If they did, it would have been  
16 handled by the HR team.  
17 Q. When you testified in your  
18 deposition, did you respond that you were not  
19 provided any reasoning?  
20 A. Any reasoning as to...  
21 JUDGE HOFFMAN: Can you speak up? I  
22 couldn't hear your question.  
23 BY MR. WOODFIELD:  
24 Q. When you testified in your  
25 deposition, did you respond that USSA was not

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2 frame of one month. I don't believe the date of  
3 the phone recording was provided.  
4 Q. Well, Mr. Gecewich's e-mail is dated  
5 August 3rd; correct?  
6 A. Yes.  
7 Q. And on September 5th -- or 4th or  
8 5th, which was roughly 30 days later, Mr. Hansen  
9 was officially -- Tesla asked and USSA acceded to  
10 his official removal from the Gigafactory site;  
11 correct?  
12 A. Correct.  
13 Q. And that's consistent with what you  
14 prognosticated one month earlier; correct?  
15 A. To Mr. Hansen directly?  
16 Q. Sure.  
17 A. Are you referencing the phone call?  
18 Q. Yes, sir.  
19 A. I can't answer that unless I have the  
20 date of that phone call.  
21 Q. But regardless of the date of the  
22 phone call, it's what you prognosticated in the  
23 phone call; correct?  
24 A. I can answer that yes, correct.  
25 Q. And did you ever escalate that issue

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2 provided any reasoning?  
3 MS. LARGENT: Objection, vague and  
4 ambiguous. By who? I'm not sure what we're  
5 talking about, Mr. Woodfield.  
6 JUDGE HOFFMAN: Can you rephrase your  
7 question a little bit?  
8 MR. WOODFIELD: Yes.  
9 BY MR. WOODFIELD:  
10 Q. Was USSA ever provided any reasoning  
11 for Tesla's removing Mr. Hansen from the  
12 property, from the Gigafactory property?  
13 A. No.  
14 Q. Have you ever been told whether Tesla  
15 cooperated with any investigation that USSA  
16 attempted to run into why Mr. Hansen was removed  
17 from the Gigafactory property?  
18 MS. LARGENT: Objection, asked and  
19 answered.  
20 JUDGE HOFFMAN: I'm not sure I  
21 understood the question. Would you ask the  
22 question again?  
23 MR. WOODFIELD: Yes.  
24 BY MR. WOODFIELD:  
25 Q. Were you ever told whether Tesla

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2 cooperated in any investigation that Tesla --

3 that USSA attempted to run into why Mr. Hansen

4 was removed from the Gigafactory property?

5 A. I was not ever told of the

6 cooperation, whether it occurred or not.

7 MR. WOODFIELD: I don't have any

8 further questions for this witness.

9 JUDGE HOFFMAN: I guess this would be

10 cross-examination, then, by USSA.

11 -----

12 EXAMINATION

13 -----

14 BY MS. LARGENT:

15 Q. Hi, Mr. German. Thank you again --

16 A. Hello.

17 Q. -- for being here today, appreciate

18 you taking your time out, even though you're not

19 a USSA employee and still helping.

20 I'd like to show you an exhibit.

21 MS. LARGENT: Alex, can you pull up

22 189, please?

23 Can you blow it up a tiny bit?

24 BY MS. LARGENT:

25 Q. Mr. German, taking a look at what has

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2 certainly remember the phone call. I guess based

3 upon the time stamp, I -- my recollection was

4 that it was much later than that, but...

5 Q. Do you recall the phone call you got

6 from Jeff Jones being the same day that you

7 notified Karl that he was removed?

8 A. I believe that I attempted the same

9 day; however, I don't believe Karl answered. I

10 believe he called me back the following morning.

11 Q. Okay. Do you think more than one day

12 passed between the time Jeff Jones called you and

13 the time you notified Karl?

14 A. No, I do not.

15 Q. So the earliest you learned about the

16 removal request from Jeff, then, is

17 September 3rd?

18 A. That's correct.

19 Q. And had you heard from anyone else

20 prior to September 3rd that Tesla was demanding

21 his removal?

22 A. No.

23 Q. At the time Jeff contacted you and

24 notified you that they no longer wanted

25 Mr. Hansen assigned to the Tesla site, did you

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2 been marked as Exhibit 189 for this hearing. Do

3 you recognize this e-mail, the second part,

4 from -- it says you, Matt German, to Jeff Jones?

5 A. I do.

6 Q. And do you see the date, September 4,

7 2018?

8 A. Yes.

9 MS. LARGENT: Can you scroll down a

10 little bit, Alex?

11 BY MS. LARGENT:

12 Q. Can you see the one later on, from

13 Jeff Jones to you, where it says: Thanks for the

14 help, Matt. Let us know when he's been informed,

15 if you could, please?

16 A. I do see it, yes.

17 Q. Okay. Scroll back up.

18 Can you read that e-mail to yourself,

19 from you to Jeff Jones on September 4th?

20 A. I'm done.

21 Q. Does this refresh your recollection

22 at all of when you were notified by Jeff Jones

23 that he wanted Karl Hansen removed from the Tesla

24 account?

25 A. Maybe not of the timing. I mean, I

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2 know that Mr. Hansen had filed an SEC complaint

3 against Tesla?

4 A. No.

5 Q. We talked a little bit on questioning

6 by Mr. Woodfield about an earlier incident in

7 which you heard about some sort of interaction

8 between Mr. Hansen and Elon Musk.

9 Remember that?

10 A. I do.

11 Q. And you said that there was some kind

12 of a -- well, I don't want to put words in your

13 mouth.

14 Was there some sort of a request to

15 move the branch that Mr. -- or the post that

16 Mr. Hansen was stationed at?

17 A. Yes, there was. I believe I received

18 questioning as to why he was assigned to the west

19 gate specifically, to which I had to defer to the

20 account manager. I would have no such knowledge

21 of the specifics of that. But there was a

22 request to not have Karl work that specific gate

23 again.

24 Q. Is that an unusual type of client

25 request?

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2 A. No, not particularly. Generally

3 speaking -- not even general. To give examples,

4 when you have entry points, you know, for C-suite

5 individuals, CEO and the such, they generally

6 want to see a certain, you know, type of

7 individual, you know, well put together, a

8 different uniform, usually jacket and a tie type

9 thing. So, no, it's certainly not an unusual

10 thing.

11 Q. Do you know if Elon Musk even knew

12 who Karl Hansen was?

13 A. I have no idea who -- if Elon knew

14 who Karl was or not, by face or otherwise. I was

15 never present when they ever had an interaction,

16 so I have no reason to think.

17 Q. Have you ever heard of a client

18 requesting that an officer be removed from a post

19 because, let's say, the officer is rude to

20 someone in upper management?

21 A. Yes.

22 Q. Have you ever heard of a client

23 requesting an officer be removed from a security

24 post because a security officer didn't greet

25 them?

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2 Remember that?

3 A. I do.

4 Q. Prior to that happening, do you

5 remember him telling you that management at Tesla

6 had reached out to him to try to schedule a

7 meeting with him to discuss transitioning the

8 work that he was doing, the investigation work

9 that he was doing as a Tesla employee prior to

10 coming to USSA?

11 A. I do.

12 Q. Okay. What do you remember about

13 that?

14 A. I remember Mr. Hansen flagging it, I

15 believe for Rick McLellan and myself, and asking

16 for guidance. And I believe I responded to the

17 effect of, you know, it looks like they just want

18 to close the loop on, you know, some of the work

19 that he did as a Tesla employee, maybe get some

20 of their info back, or if you're housing any of

21 it, get it back.

22 Unsure as to the specifics, but I

23 think I provided instruction that, you know, go

24 ahead and attend; however, if the meeting takes a

25 different turn, excuse yourself and have them set

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2 A. Yes.

3 Q. Have you ever heard of a client

4 requesting that a security officer be removed

5 from a post because they looked sloppy?

6 A. Yes.

7 Q. I will tell you that Mr. Hansen

8 testified yesterday about this incident,

9 described it as Mr. Musk driving, speeding with

10 lights flashing, coming up to the gate to enter

11 the facility, and that the car did not respond to

12 a security officer that was outside the guard

13 area so that Mr. Hansen came out and essentially

14 kind of motioned or flagged down the car to slow

15 down because they felt it was unsafe.

16 In that kind of hypothetical

17 scenario, is it plausible in your mind that a CEO

18 of a company, potentially in a hurry to come into

19 a facility, would be annoyed by a security guard

20 doing that?

21 A. It's certainly plausible, yes.

22 Q. You testified prior, on questioning

23 from Mr. Woodfield, about some communications

24 that you had with Mr. Hansen where he forwarded

25 an e-mail that he had sent to Elon Musk.

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2 that up through Rick and myself and we'll bring

3 our HR folks in and take that route.

4 For me, it seemed an entirely

5 professional and common ask, when there's any

6 kind of transfer of data.

7 Q. Did he respond to you when you told

8 him go ahead and attend?

9 A. I don't believe so.

10 Q. Do you know if he went ahead and

11 attended?

12 A. Yes. Yeah, he did not.

13 Q. Okay. Did he tell you why?

14 A. Yeah. I think to some degree. I

15 think it was slightly cryptic as well, but

16 that -- I think the term was security thugs have

17 showed up, and he felt there was going to be more

18 interrogation-based rather than a professional

19 meeting, so...

20 Q. I'm going to show you Exhibit 121,

21 which Mr. Woodfield previously went over with you

22 a little bit.

23 MS. LARGENT: And specifically,

24 page 878, Alex.

25 (Discussion off the record.)

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2 THE WITNESS: I can see the exhibit.

3

4 MS. LARGENT: Can you scroll down so

5 he can see the whole conversation?

6 BY MS. LARGENT:

7 Q. Is this the conversation that you

8 were just describing between you and Karl?

9 A. Yes.

10 MS. LARGENT: Can we switch over?

11 I'm going to use this one again, but can you

12 switch over to Exhibit 204? 190 to 192.

13 Can you scroll down a little bit?

14 BY MS. LARGENT:

15 Q. All right. I'm showing you what has

16 already been introduced as Exhibit 204,

17 Mr. German.

18 Do you see, in the middle of the page

19 here, an e-mail from Sean Gouthro to

20 Gerhard Pretorius, cc'ing some other individuals,

21 Jeff Jones, Nick Gicinto, Jake Nocon?

22 A. I see it, yes.

23 Q. And appears to be an e-mail to Karl

24 saying: I've scheduled a meeting for 10:00 a.m.

25 this Friday.

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2 additional info.

3 Right?

4 A. Correct.

5 MS. LARGENT: Can we please to go

6 879, the next communication.

7 BY MS. LARGENT:

8 Q. So it looks like this is the next

9 text communication between you and Karl. And as

10 you can see at the top, it says: Shots fired!

11 Love it.

12 Is that an e-mail that you sent him

13 in response to him forwarding you the e-mail that

14 he sent to Elon Musk?

15 A. Yes.

16 Q. And that e-mail to Elon Musk was on

17 August 3rd; correct?

18 A. Yes.

19 Q. I'd like you to read Mr. Hansen's

20 response to you on the same day.

21 MS. LARGENT: Can you scroll down a

22 little bit, Alex?

23 A. Done.

24 BY MS. LARGENT:

25 Q. And then I'm going to come back to

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2 Which I guess would be August 3rd?

3 Does that look right to you?

4 A. It does.

5 Q. Okay. And it says: Please see below

6 for additional contexts and requests from your

7 prior conversations with our team.

8 And then scroll above, please, to the

9 e-mail to Matt German.

10 And do you see above there, there's

11 an e-mail to you on August 1st, letting you know?

12 A. Yeah.

13 Q. Is this the e-mail that Karl

14 forwarded you, asking for your advice on whether

15 he should go to this meeting that they're trying

16 to get him to go to?

17 A. Yes.

18 Q. And can you flip back to Exhibit 121.

19 878.

20 All right. And as you testified

21 previously, and he's asking if you've had a

22 chance to look at that e-mail. You tell him: Go

23 ahead and attend. Looks to me like they just

24 want to meet with you to finalize the work you

25 did on the cartel case and turn over any

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2 this, but let's go to Exhibit 20 -- wait a

3 minute -- Exhibit 204, 193.

4 All right. Can you --

5 Do you recognize this as the e-mail

6 that Mr. Hansen forwarded you that he had

7 e-mailed to Elon Musk?

8 A. I do.

9 MS. LARGENT: Can you scroll down a

10 little bit farther, please?

11 Back up, please.

12 All right, let's go back to 121.

13 879.

14 BY MS. LARGENT:

15 Q. From the text message that Mr. Hansen

16 sent you on August 3rd, did you understand him to

17 be telling you that he didn't go to the meeting

18 he was requested to attend on August 3rd, and

19 that he instead sent the e-mail to Elon Musk?

20 A. Yes.

21 Q. Did you think that was an appropriate

22 thing to do?

23 A. No, not really, no.

24 Q. Why not?

25 A. It's not common for employees of that

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2 level or even, you know, of my level subsequently  
3 to send direct comms straight to the CEO of any  
4 organization. There's a filtration process that  
5 goes into that in every organization. Especially  
6 I didn't feel it was good taste coming from Karl  
7 in this particular scenario as being a contract  
8 employee at the time that he sent it.  
9 Q. And I think you testified earlier  
10 that you didn't see anything wrong with the  
11 meeting request that he had been asked to attend  
12 on August 3rd in any event.  
13 A. Correct.  
14 Q. Did you believe that Tesla may have  
15 reason to be annoyed with Mr. Hansen for refusing  
16 to participate in their meeting and instead  
17 escalating things to Elon Musk?  
18 A. Sure. Of course.  
19 Q. Did you tell him that?  
20 A. It's likely, via the suggestion to,  
21 you know, attend the meetings.  
22 Q. When Mr. Hansen sent you the e-mail  
23 that he had sent to Elon Musk, do you know  
24 whether you read it?  
25 A. I believe I read it throughout the

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2 activity in and around the Gigafactory as well as  
3 some potential theft of Tesla property; scrap  
4 metal, things like that.  
5 Q. And did you understand that this was  
6 stuff that Mr. Hansen observed or heard about all  
7 during the course of his employment at Tesla  
8 rather than USSA?  
9 A. Correct.  
10 Q. Was there any reason for him to be  
11 sharing the details of this with you as his  
12 employer at USSA?  
13 A. No, not that I can think of.  
14 Q. Did you ever communicate to him that  
15 you really didn't want to know the details of  
16 this type of stuff from him?  
17 A. I'm sorry, I had audio cut out. Can  
18 you --  
19 Q. Did you ever communicate to him that  
20 you really didn't want to hear any of the details  
21 of this type of stuff from him?  
22 A. Yeah, I believe I did.  
23 When things were of our client's  
24 nature, we were hired, you know, to provide  
25 security guard services, not to, you know,

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2 course of -- you know, there was some time  
3 elapsed. It was quite a long e-mail, and this  
4 was certainly not one -- the Gigafactory was only  
5 one piece of my pie, so it didn't get all of my  
6 time and attention.  
7 So I digested it throughout the  
8 course of X number of even probably days.  
9 Q. At any time prior to Tesla asking for  
10 Mr. Hansen to be removed from their site, based  
11 on conversations, whether text or phone calls  
12 that you had with Mr. Hansen, did you understand  
13 him to be telling you that there was some sort of  
14 failure to disclose to shareholders going on at  
15 Tesla?  
16 A. No.  
17 Q. Did you understand him to be telling  
18 you that Tesla was somehow misrepresenting the  
19 value of Tesla shares to shareholders?  
20 A. No.  
21 Q. What, if anything, did you understand  
22 about what he had told you about any misconduct  
23 going on at Tesla?  
24 A. So to my understanding, which was  
25 very minimal, was there were concerns about drug

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2 investigate internal threat programs.  
3 Q. Okay. Prior to the removal request  
4 from Tesla, had you heard that Mr. Hansen had  
5 gone to the media and badmouthed Tesla?  
6 A. No, I had not.  
7 Q. You indicated previously that when  
8 you got the call from Jeff Jones to remove  
9 Mr. Hansen from the Tesla site, you granted the  
10 request; right?  
11 A. I did.  
12 Q. And was that your decision to make?  
13 A. Not necessarily. It's a common  
14 practice within the security industry. There's  
15 also some language in the master services  
16 agreement that affords them a certain level of  
17 being able to execute upon those requests.  
18 Q. All right. So under the terms of the  
19 service agreement with Tesla and with other  
20 clients, it's common for there to be a provision  
21 allowing the customer to request removal of any  
22 employee they don't care for.  
23 A. Correct.  
24 Q. And you recall the Tesla agreement  
25 having a provision like that?



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2 A. I do.

3 Q. Okay. And I assume as a matter of

4 client relations purposes, you generally try to

5 accommodate client requests?

6 A. That's accurate, yes.

7 Q. Did you have to go and obtain

8 approval from anyone at USSA to grant that

9 accommodation -- I'm sorry, the removal request?

10 A. No.

11 Q. And you may have already answered

12 this, and I apologize if I'm asking you again.

13 Is the only reason that you removed Mr. Hansen

14 from the Tesla account because Tesla asked you

15 to?

16 A. Yes.

17 Q. Tesla didn't ask you to terminate

18 Mr. Hansen at that time, did he? Did they?

19 A. No, they did not.

20 Q. Okay. And, Mr. Hansen was not

21 terminated; correct?

22 A. That is correct.

23 Q. Do you know if he went on to be

24 reassigned at another site?

25 A. I do not know if he did or not.

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2 Q. Prior to the -- getting the demand

3 for removal from Tesla, did you have -- had

4 Mr. Hansen ever told you that he was going to

5 file an SEC complaint?

6 A. No.

7 MS. LARGENT: Okay. I don't have

8 anything else.

9 JUDGE HOFFMAN: Okay. Let's take a

10 break and then we'll come back with Mr. Robertson

11 or Ms. Dunne's examination -- cross-examination.

12 So let's go -- let's be back at ten

13 minutes until the hour.

14 (Recess taken, 10:39 a.m. to

15 10:51 a.m. PDT)

16 JUDGE HOFFMAN: We are back on the

17 record. Mr. German, cross-examination will be

18 conducted by Tesla's representatives.

19 -----

20 EXAMINATION

21 -----

22 BY MR. ROBERTSON:

23 Q. Good morning or good afternoon,

24 depending on where you are, Mr. German.

25 A. Afternoon. Afternoon.

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2 Q. Okay. Did your involvement with

3 Mr. Hansen essentially end once he was no longer

4 assigned to the Tesla account?

5 A. Yes.

6 MS. LARGENT: If you could just give

7 me maybe two minutes to review my notes real

8 quick, Your Honor, that would be helpful.

9 JUDGE HOFFMAN: Okay. You can take

10 down your exhibit.

11 (Recess taken, 10:33 a.m. to

12 10:36 a.m. PDT)

13 JUDGE HOFFMAN: Okay. I think we're

14 ready.

15 BY MS. LARGENT:

16 Q. All right. Mr. German, just one or

17 two more questions and I'll be finished.

18 Did you ever become aware that

19 Mr. Hansen had gone to the media and made reports

20 about Tesla?

21 A. No.

22 Q. No?

23 A. At some point, well after I had left

24 the Tesla account, which would have been

25 March 2019.

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2 Q. Afternoon it is.

3 So my name is Chris Robertson. You

4 may recall me from the deposition. I also

5 represent Tesla and Mr. Musk in this matter. I

6 just have a few questions.

7 Could we pull up Exhibit 1?

8 And while Ms. Dunne is pulling that

9 up, were you aware at the time that Mr. Hansen --

10 a request was made by Tesla that Mr. Hansen was

11 represented by counsel.

12 Did he ever tell you that?

13 A. It appears so. In the phone call

14 that was admitted as an exhibit earlier, he does

15 reference counsel.

16 Q. Did Mr. Hansen ever share with you a

17 letter that was sent by Tesla's counsel to his

18 personal counsel on the same day, September 4,

19 that the request was made?

20 A. No, sir.

21 Q. So this letter --

22 MR. ROBERTSON: If you go up to the

23 top, Anne.

24 BY MR. ROBERTSON:

25 Q. Do you see this letter is from a law

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2 firm Hueston Hennigan?  
3 Do you see that?  
4 A. I do.  
5 Q. Have you ever seen this letter before  
6 today?  
7 A. No, sir.  
8 MR. ROBERTSON: Let's go to the  
9 second paragraph.  
10 Well, actually, let's go to the  
11 second page, the last paragraph on the second  
12 page.  
13 BY MR. ROBERTSON:  
14 Q. So the last sentence on the second  
15 page, you see here it says this letter -- it  
16 says: However, given what we know about his  
17 misappropriation of Tesla confidential  
18 information, whether regarding to Tesla or its  
19 employees or contractors, I understand that Tesla  
20 has asked U.S. Security to end Mr. Hansen's  
21 assignment at the Gigafactory.  
22 Do you see that?  
23 A. I do.  
24 Q. And you indicated in your testimony  
25 that Tesla had not provided you a specific reason

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2 Were you aware of that at the time  
3 that the instruction was given to USSA with  
4 regard to Mr. Hansen?  
5 A. No, sir.  
6 Q. Or that on June 18th, Mr. Hansen  
7 forwarded numerous Tesla internal documents to  
8 his personal Gmail account, including internal  
9 security badging records which display the  
10 recorded dates and times that named individuals  
11 accessed Tesla's facilities? Were you aware that  
12 that had been uncovered by Tesla?  
13 A. No, sir.  
14 Q. Or documents from personnel files  
15 which display employee picture identification,  
16 ID numbers, and personal license plate numbers,  
17 were you aware of that?  
18 A. No, sir.  
19 Q. And photos of facility parking lots  
20 taken from Tesla security cameras, were you aware  
21 that that material had been sent by Mr. Hansen to  
22 his personal Gmail account?  
23 A. No.  
24 Q. Looking at this today, knowing that  
25 this is what Tesla uncovered, would that, in your

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2 why they had asked for the assignment to end;  
3 correct?  
4 A. That's correct.  
5 Q. Did you know on that same day,  
6 though, that Mr. Tesla provided a very specific  
7 reason to Mr. Hansen's attorneys?  
8 A. I was not aware, no.  
9 MR. ROBERTSON: And let's go to the  
10 first page.  
11 BY MR. ROBERTSON:  
12 Q. Were you aware at that time that  
13 Tesla had discovered that Mr. Hansen had  
14 misappropriated confidential information from  
15 Tesla?  
16 A. I was not aware, no.  
17 Q. If we look at the second paragraph  
18 here in this letter, looking at the -- I think  
19 it's the third sentence. It starts: That  
20 review?  
21 A. I see it.  
22 Q. See where it says: That review  
23 revealed that Mr. Hansen has intentionally and  
24 permanently deleted nearly his entire "sent"  
25 folder from his Outlook e-mail account.

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2 view, have provided grounds for them to have  
3 called USSA and indicated they did not want  
4 Mr. Hansen assigned back to the Gigafactory?  
5 A. Yes.  
6 MR. WOODFIELD: Objection,  
7 Your Honor. This is all going to sort of a  
8 speculative argument because it's all going to  
9 posed questions and completely skipping all of  
10 the protected activity.  
11 JUDGE HOFFMAN: Okay, I understand  
12 the objection. I'll overrule the objection and I  
13 understood the answer from the witness.  
14 MR. ROBERTSON: Okay. Thank you,  
15 Your Honor.  
16 You can take that down.  
17 Let's pull up Exhibit 206.  
18 BY MR. ROBERTSON:  
19 Q. Mr. German, I'm going to show you  
20 what's been identified as Exhibit 206. It's a  
21 document that you were shown in your direct  
22 testimony under questioning by Mr. Woodfield.  
23 This may take us a second.  
24 And let's go to the end of  
25 paragraph 1, the number.

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2 So I'm looking at this paragraph,

3 Mr. German.

4 MR. ROBERTSON: And we can bring it

5 up a little bit, Anne, so you can read it.

6 BY MR. ROBERTSON:

7 Q. This was an e-mail that was forwarded

8 to you by Mr. Gouthro; correct?

9 A. Yes, sir.

10 Q. Okay. In this e-mail, it says -- in

11 the body of the e-mail it says: Karl has 20-plus

12 years of FBI investigation background.

13 Do you see that?

14 A. I do.

15 Q. Did Mr. Hansen ever tell you that he

16 had an FBI investigation background?

17 A. I don't recall anything verbal;

18 however, I do believe it is -- it lives in his

19 resumé, which I did testify to receiving.

20 Q. Do you know whether Mr. Hansen has

21 ever worked for the FBI?

22 A. I don't know.

23 Q. There are three individuals in the A,

24 B, and C, below. Do you see that? Ivan

25 Garcia-Flores, James Nolle, and Karl Hansen?

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2 here, let's go to 205.

3 BY MR. ROBERTSON:

4 Q. So, Mr. German, I've put up on the

5 screen Exhibit 205. I believe it's already in

6 evidence.

7 If we could go down. And this is,

8 appears to be an exchange in September of '18,

9 and it's from Scott Wiebke.

10 Am I saying that right?

11 A. I imagine so.

12 Q. Did you have any interactions with

13 Mr. Wiebke?

14 A. Very, very minimal. Scott was a

15 local, either operations manager or a branch

16 manager in the Reno market.

17 Q. Okay. And it looks to me on this

18 document, if we go up, that you were blind copied

19 on it?

20 A. Yes.

21 Q. So do you remember some exchange with

22 Karl Hansen about opportunities that USSA might

23 have for him after the request came from Tesla?

24 A. Yes. I made it a point for -- with

25 our HR team that Karl can remain on as a

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2 A. Yes.

3 Q. So these were three individuals that

4 were identified as potentially either not being

5 part of the RIF or being in this special

6 category.

7 Am I fair in saying that?

8 A. That's fair, yes.

9 Q. Okay. And did all three of these

10 individuals end up being part of the RIF and come

11 over to USSA?

12 A. I don't recall. There was a --

13 basically a 50/50 split of the individuals that

14 Tesla provided to us that they would like us to

15 make offers to.

16 50/50 being they either completely

17 left involvement with Tesla and/or USSA or they

18 stayed on board and came on with us.

19 The specific names, I cannot recall.

20 Q. Okay. I guess the simpler question

21 is, but Mr. Hansen wasn't alone in what was

22 happening. There were a number of individuals

23 involved; correct?

24 A. That is correct, yes.

25 MR. ROBERTSON: As long as we're

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2 U.S. Security employee at a different facility, a

3 different contract, if you will.

4 MR. ROBERTSON: And let's go down,

5 Anne.

6 Q. And here, in this e-mail, there are

7 three -- it looks like there's three

8 opportunities that are identified: One is UPS,

9 one is Greyhound, and one is Walmart.

10 Do you see those?

11 A. I do.

12 Q. Did you have any visibility as to the

13 specific terms of the contract with either UPS,

14 Greyhound, or Walmart?

15 A. No.

16 Q. Do you know whether the opportunities

17 that -- any or all of those would have presented,

18 do you know what the pay rates would have been or

19 what the available shift hours would have been?

20 A. No.

21 Q. And are you aware that Mr. Hansen

22 didn't take any of these opportunities, but

23 instead left Nevada through early October? Were

24 you aware of that?

25 A. I was not, no.

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2 Q. Again, you made efforts to try to

3 transition him into another position once the

4 request came from Tesla that he not be at Tesla?

5 A. Yeah, I'm sorry, could you restate,

6 please?

7 Q. Yeah, I'm just saying you -- in

8 addition to Mr. Wiebke, you also were making

9 efforts to try to find another opportunity for

10 Mr. Hansen; is that fair?

11 A. That's fair, yes.

12 MR. ROBERTSON: Let's pull up

13 Exhibit 150.

14 BY MR. ROBERTSON:

15 Q. Mr. German, I'm pulling up what's

16 been identified as Exhibit 150. Again, this is

17 already in evidence.

18 I promise not to torture you with

19 this document, since it's long and small print.

20 But at the top it says Tesla, Inc.

21 Master Services Agreement. Do you see that?

22 A. I do.

23 Q. Okay. And this would be the

24 agreement that would govern the relationship

25 between Tesla and USSA; correct?

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2 an attachment to the agreement?

3 A. Correct, yes.

4 Q. And I just want to be clear. This

5 sort of investigator role, that would be an

6 investigator, not security guard, that addendum

7 never got signed; correct?

8 A. Correct.

9 Q. So there never was a position ever

10 created that -- between Tesla contractually with

11 USSA for that position that was being discussed;

12 correct?

13 A. The finality -- or the final piece of

14 it never occurred, no.

15 Q. And in any addendum that you've ever

16 seen in the entire time you worked at USSA, is

17 there ever a specific employee identified in an

18 addendum or is it a job position that then USSA

19 fills?

20 A. Position that we fill.

21 Q. All right. Thank you.

22 MR. ROBERTSON: Can we pull up 151?

23 And I don't believe this is actually

24 in evidence, so I'm going to establish

25 foundation, hopefully, and we can move to admit.

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2 A. That is correct.

3 Q. And if we go to the -- it's

4 Bates 589. It's the signature page. Page 14 of

5 the document. Just keep going down.

6 And there's a signature here by

7 someone named M. Blake Beach.

8 Do you know who that is?

9 A. I do, yes.

10 Q. Who is that?

11 A. He was the senior vice president of

12 the national accounts group for U.S. Security

13 Associates.

14 MR. ROBERTSON: And then if we go to

15 the next page, Anne. Just one down. At the top.

16 There you go.

17 BY MR. ROBERTSON:

18 Q. And then here it says Annex 1 -

19 Additional Service Terms.

20 Do you see that?

21 A. I do.

22 Q. And so is this -- when you talked

23 about an addendum that would have to be

24 negotiated between Tesla and USSA, is this the

25 type of addendum that would be like an annex or

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2 BY MR. ROBERTSON:

3 Q. I'm pulling up what's been identified

4 as joint Exhibit 151, Mr. German.

5 And this appears to be a rate

6 addendum. Do you see that?

7 A. I do.

8 Q. Were you involved at all in the

9 negotiation of any of the rates between Tesla and

10 USSA under the master services agreement?

11 A. Yes, to a degree.

12 Can you scroll down for me, please?

13 Q. Sure.

14 A. Yeah. So these were the original

15 rates that were agreed to via the MSA. There

16 were subsequent rate markets that were

17 established with approval from Jeff Jones that

18 highlight the elevated rates that we've seen

19 throughout the course of this, the \$27 an hour

20 for a supervisor, the 19.80 for a security

21 officer.

22 So there was an entire separate

23 negotiation that took place either just prior to

24 contract initiation or slightly thereafter.

25 Q. Okay. And here for Nevada, it looks

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2 like there's a \$16.50 rate.  
3 Do you see that?  
4 A. I do.  
5 Q. Do you know what Mr. Hansen was  
6 making when he was a Tesla employee?  
7 A. I can't recall it. I know it was --  
8 it was told to me at some point, but I do not  
9 recall what it was.  
10 Q. If it was 16.50 -- and I'll represent  
11 that to you -- and then there were negotiated  
12 higher rates, isn't it true that by moving to  
13 USSA, Mr. Hansen actually did better pay wise at  
14 USSA than he was doing at Tesla?  
15 A. I think it's fair to speculate that.  
16 Again, keeping consistent, it depends on the  
17 hours worked.  
18 Q. Right. Because you could go to a  
19 site and maybe have a higher rate but work fewer  
20 hours, and then you're not going to make as much  
21 as if you, you know -- maybe at a lower rate have  
22 better hours or better shifts; is that fair?  
23 A. That's fair.  
24 Q. And with any of these assignment that  
25 Mr. Hansen had after Tesla instructed USSA that

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2 conversation with Jeff Jones about this  
3 interaction with Mr. -- this alleged or purported  
4 interaction between Mr. Hansen and Mr. Musk.  
5 Do you recall that?  
6 A. I do.  
7 Q. Have you ever seen Mr. Hansen's sworn  
8 deposition testimony about what occurred?  
9 A. I have not.  
10 Q. Did you know that Mr. Hansen stated  
11 that, for example, that there was a driver in the  
12 car with Mr. Musk?  
13 Did you know that?  
14 A. I did not.  
15 Q. Did you know that there was not just  
16 Mr. Hansen but another security guard at the  
17 security gate?  
18 A. No, sir.  
19 Q. And in your testimony which was read  
20 into the record -- and I want to read what you  
21 said -- you said: He would not go into the  
22 specifics -- this is Mr. Jones -- around that  
23 interaction. As it was told to me, Mr. Hansen  
24 and Mr. Musk were the only two present.  
25 Do you recall testifying to that in

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2 it didn't want Mr. Hansen on the property  
3 anymore, do you know what positions he took from  
4 the standpoint of pay rate or available hours or  
5 overtime? Do you have any visibility on any of  
6 that?  
7 A. I do not.  
8 Q. Okay.  
9 JUDGE HOFFMAN: Do you move to admit  
10 151?  
11 MR. ROBERTSON: Oh, yes, Your Honor.  
12 Thank you. Yes. Sorry. Move to admit 151.  
13 MR. WOODFIELD: No objection.  
14 JUDGE HOFFMAN: 151 is in.  
15 (Whereupon, Exhibit 151 was  
16 received.)  
17 BY MR. ROBERTSON:  
18 Q. Mr. German, Mr. Woodfield, during  
19 your direct, noted that you had been previously  
20 deposed.  
21 MR. ROBERTSON: You can take the  
22 document down, Anne.  
23 BY MR. ROBERTSON:  
24 Q. And then he read you some excerpts  
25 from the deposition, one of which was this

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2 your deposition?  
3 A. I do.  
4 Q. Would that be inconsistent with the  
5 fact that there were two security guards and a  
6 driver in Mr. Musk's car?  
7 MR. WOODFIELD: Objection,  
8 Your Honor, he's asking to opine on another  
9 witness's testimony. It's improper.  
10 MR. ROBERTSON: It's not improper,  
11 Your Honor. I mean, this is all hearsay to begin  
12 with.  
13 JUDGE HOFFMAN: Overruled.  
14 MR. ROBERTSON: It would be hearsay  
15 within hearsay. And what I'm doing is I'm  
16 impeaching the -- quite frankly, the hearsay to  
17 the extent that Mr. Woodfield is trying to  
18 attribute this statement to Mr. Jones.  
19 JUDGE HOFFMAN: Sure. I'll overrule  
20 the objection.  
21 And answer if you can.  
22 A. Would you mind restating the  
23 question, sir?  
24 MR. ROBERTSON: Actually, Debbie, can  
25 you just read it back? I don't know that I can



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2 do it as well.

3 (Whereupon, the following testimony

4 was read by the court reporter.)

5 "QUESTION: Would that be

6 inconsistent with the fact that there were two

7 security guards and a driver in Mr. Musk's car?"

8 (End of readback.)

9 A. Yes, it would be inconsistent.

10 BY MR. ROBERTSON:

11 Q. And just a couple more questions,

12 Mr. German.

13 Mr. German, did you ever have any

14 interactions with someone at Tesla named Jenna

15 Ferrua?

16 A. Yes, very brief.

17 Q. Okay. When you say "very brief,"

18 what interactions and when, if you can recall?

19 A. The only interaction I had with Jenna

20 was centered around the notification of the

21 request for Tesla to remove Karl from the site,

22 and then a request from Jeff and Jenna for me to

23 send them an e-mail when it had been done.

24 Q. So you do recall that that occurred.

25 So it wasn't just Jeff Jones that reached out to

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2 A. Not directly. I think they

3 questioned if I wanted -- if I really wanted him

4 in a supervisory role, but not necessarily to the

5 extent of them trying to block it, if you will.

6 Q. Right. Well, let me just read -- the

7 question and answer was: Were you ever told

8 by --

9 MR. WOODFIELD: There's impeachment

10 and then there's just reading the witness's --

11 MR. ROBERTSON: That's what you did.

12 So I was just doing the same.

13 MR. WOODFIELD: No, I asked him a

14 question, I didn't just say, hey, do you remember

15 your deposition? Let me read you some deposition

16 testimony.

17 JUDGE HOFFMAN: If you all are going

18 to make objections, I assume those objections are

19 to me. I'd appreciate an opportunity to get a

20 word in edgewise.

21 I understood the question to be

22 laying a foundation for the question that was

23 coming, and so I'm going to overrule the

24 objection and allow the question.

25 MR. ROBERTSON: The question was:

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2 you; it was also Ms. Ferrua?

3 A. That, I cannot be sure of. Jeff was

4 the only one who spoke on the phone. I don't

5 know if anybody else was on the phone as well.

6 But I do recall Jeff making the statement of, you

7 know, Let myself and Jenna know when it's done.

8 Q. And did you know at the time that

9 Ms. Ferrua was with Tesla human resources?

10 A. Yes.

11 Q. And when a request like the one that

12 was made, is made, is it common in your

13 experience to have someone from HR involved?

14 A. Yes.

15 MR. ROBERTSON: Let me just check my

16 notes real quick. I think I'm done.

17 BY MR. ROBERTSON:

18 Q. Oh, one other thing.

19 Again, in your deposition,

20 Mr. German, do you recall that you were asked a

21 specific question about whether Tesla ever made a

22 request that Mr. Hansen not be in a supervisory

23 role?

24 Do you recall being asked that

25 question?

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2 Do you recall, Mr. German, in your

3 deposition testimony being asked the question,

4 quote, Were you ever told by Tesla that

5 Mr. Hansen was not to be in a supervisory role at

6 the Tesla Gigafactory?

7 Do you remember being asked that

8 question?

9 A. I'm sorry, I do not.

10 BY MR. ROBERTSON:

11 Q. Okay. Do you remember answering: I

12 do not believe so, no?

13 A. If I don't remember the question,

14 it's likely I won't remember the answer.

15 Q. Given that, if I -- well, do you in

16 fact recall ever being told by Tesla that

17 Mr. Hansen was not to be in a supervisory role?

18 A. No.

19 MR. ROBERTSON: Okay. Thank you.

20 That's all I have. Thank you.

21 JUDGE HOFFMAN: Okay. Let's see

22 here. Redirect by Mr. Woodfield.

23 MR. WOODFIELD: Yes, Your Honor.

24 \* \* \*

25 \* \* \*

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2 -----  
3 EXAMINATION  
4 -----  
5 BY MR. WOODFIELD:  
6 Q. Mr. German, there has been a lot of  
7 discussion about Mr. Musk coming through the west  
8 gate of the Gigafactory on August 30th.  
9 Do you remember a discussion at the  
10 end of August of 2018 that you might have had  
11 with Mr. Hansen where he might have told you what  
12 he thinks -- he thought occurred?  
13 A. I do not recall.  
14 Q. Did he tell you about any event where  
15 he thought that Mr. Musk went through the gate  
16 and told you that it occurred?  
17 A. No, I do not recall.  
18 Q. Do you recall having a telephone  
19 conversation with him where he told you about it  
20 and you acknowledged that you were aware of it?  
21 A. I do not.  
22 Q. If I played you a video -- a tape  
23 recording of you acknowledging a -- him talking  
24 about when he talked to you about an event where  
25 Elon Musk went through the gate a couple of weeks

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2 Now moving into the business piece  
3 now -- or the personal piece. I'm working with  
4 the region right now to reassign you to another  
5 one of our accounts but keep your rate the same.  
6 So as U.S. Security Associates, we will eat  
7 whatever marginal difference the contractual  
8 agreement pay rates are for your new account --  
9 Mr. Hansen: Okay.  
10 Mr. German: -- and keep you at your  
11 current rate.  
12 Mr. Hansen: Wow. I appreciate that.  
13 Can't ask for more than that as I need to stay  
14 employed. And holy shit --  
15 Mr. German: I'm not going to go into  
16 details on that.  
17 Mr. Hansen: Okay.  
18 Mr. German: But you know who I am  
19 and what I'm about.  
20 Mr. Hansen: Absolutely. Absolutely.  
21 I didn't -- I didn't know any of  
22 this, actually. I mean, I suspected something  
23 was coming down the road, quite honestly. You  
24 know, you heard the piece about Elon Musk coming  
25 through the gate last week. I'm sure he --

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2 ago, when you were talking with him in September  
3 of 2018, might that refresh your recollection?  
4 A. I would suppose so. Would we have  
5 the date for that clip?  
6 Q. It would be in September of 2018.  
7 And I assure you, it's not too long,  
8 because USSA played it for us and they thought it  
9 was reasonable at that time.  
10 So hold on one second.  
11 (Tape played. )  
12 Mr. Hansen: If you can hear me, I  
13 can hear you. Go ahead, my friend.  
14 Mr. German: Okay. Let me preface  
15 this with saying I have to get through a business  
16 piece first and then I have a personal piece at  
17 the end of it. Okay?  
18 Mr. Hansen: Sounds good.  
19 Mr. German: So business, you are  
20 effectively removed via client request from the  
21 Tesla site. I will not go into details. I'm  
22 sure you are already aware, a letter has been  
23 populated from Tesla to both yourself and your  
24 lawyers. I will let that take its course. All  
25 right?

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2 Mr. German: Oh, yeah.  
3 Mr. Hansen: Yeah. Yeah. Okay.  
4 And I haven't -- I haven't seen the  
5 letter. Do you have --  
6 (Tape ended.)  
7 BY MR. WOODFIELD:  
8 Q. Now, that is in evidence, but when  
9 Mr. Musk [sic] spoke to you, and that, I believe,  
10 was in a call you had with him on September 4,  
11 2018, and he said, you heard the piece about  
12 Elon Musk coming through the gate last week, and  
13 you said, oh, yeah, were you speaking to him  
14 honestly?  
15 MR. ROBERTSON: Objection.  
16 JUDGE HOFFMAN: Yes, what's the  
17 objection?  
18 MR. ROBERTSON: The objection is that  
19 Mr. Woodfield said when he had a conversation  
20 with Mr. Musk.  
21 MR. WOODFIELD: Excuse me. It was  
22 Mr. Hansen.  
23 BY MR. WOODFIELD:  
24 Q. When you were speaking with  
25 Mr. Hansen in that recording, and Mr. Hansen said

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2 to you, you heard about the event when Mr. Musk  
3 came through the gate last week, and you said,  
4 oh, yeah, were you speaking honestly with  
5 Mr. Hansen?  
6 A. In terms of did I know about the  
7 incident?  
8 Q. Yes, sir.  
9 A. Yes, I knew about it.  
10 Q. Okay. So how did you know about it?  
11 A. I believe it was --  
12 MS. LARGENT: Objection, asked and  
13 answered.  
14 JUDGE HOFFMAN: Overruled.  
15 How did you know about it?  
16 A. It was Jeff Jones who told me about  
17 it.  
18 BY MR. WOODFIELD:  
19 Q. Who else told you about it?  
20 A. Jeff's the only one I recall.  
21 Q. Mr. Hansen didn't talk to you about  
22 it?  
23 A. Outside of what we just heard on that  
24 phone call, I don't recall anything.  
25 Q. Mr. German, have you ever told anyone

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2 Q. And then you said you were laid off  
3 in March of 2019; correct?  
4 A. Incorrect. In June.  
5 Q. In June of 2019. And how long were  
6 you out of work?  
7 A. From June until October.  
8 MR. WOODFIELD: I don't have any  
9 further questions for this witness.  
10 JUDGE HOFFMAN: Any recross within  
11 the scope of that direct by USSA?  
12 MS. LARGENT: No questions.  
13 JUDGE HOFFMAN: Mr. Robertson, any  
14 more questions?  
15 MR. ROBERTSON: No questions,  
16 Your Honor. Thank you.  
17 JUDGE HOFFMAN: All right.  
18 Thank you, Mr. German, for your testimony.  
19 You're excused and you can sign off now.  
20 MS. LARGENT: Thank you.  
21 JUDGE HOFFMAN: Okay. Well, what's  
22 next? Did we ever find -- was it Mr. Mohamed?  
23 MR. ROBERTSON: So, Nick, are you  
24 going to rest?  
25 MR. WOODFIELD: Yes.

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2 that you worked for Tesla?  
3 A. No, not for.  
4 Q. On your LinkedIn page, do you list  
5 yourself as a Tesla employee for the period of  
6 June 2018 to March 2019?  
7 A. No. It references as a national  
8 account manager for Tesla. But when you, on  
9 LinkedIn, have a company's name, it will  
10 automatically apply that -- that logo or that  
11 brand.  
12 Q. So on your LinkedIn page, is this  
13 your LinkedIn page that you're seeing right now?  
14 A. It is.  
15 Q. And so where, for the period of  
16 2015 -- February 2015 to June 2018, you list  
17 yourself as a national account manager for  
18 PacifiCorp, and then you list yourself from  
19 June 2018 to March 2019 as a national account  
20 manager, and it says for Tesla. There's no  
21 mention in here of working for someone else  
22 during that time period; is that correct?  
23 A. I was also charged with the accuracy  
24 of services provided by U.S. Security Associates,  
25 Inc.

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2 MR. ROBERTSON: Now officially?  
3 MR. WOODFIELD: Yes.  
4 MR. ROBERTSON: And I believe on  
5 behalf of Tesla, we will rest as well. Just -- I  
6 don't -- I don't -- we're not going to call  
7 Mr. Mohamed. I won't go into why. He's not  
8 available, and I think we're comfortable with the  
9 record, so we'll just go ahead and rest.  
10 JUDGE HOFFMAN: And from USSA, are  
11 you resting?  
12 MS. LARGENT: Yes.  
13 JUDGE HOFFMAN: All right. So it  
14 looks like all of the evidence is in. Is there  
15 any reason to keep the record open? Well, I  
16 guess we have a report coming from our court  
17 reporter, and that will be part of the record.  
18 Any need to keep the record open  
19 beyond that?  
20 All right. I'm hearing no reason to  
21 do that. So now I'm interested in your desires  
22 on proceeding.  
23 Should we -- are the parties  
24 interested in providing post-hearing briefs, and  
25 what does this look like if you want to do that?

<p style="text-align: right;">Page 614</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 MS. LARGENT: On behalf of USSA, we</p> <p>3 would be in favor of post-hearing briefs, and I</p> <p>4 will probably say between 14 to 30 days after the</p> <p>5 court reporter is able to provide the</p> <p>6 transcripts. It's not a terribly long</p> <p>7 proceeding, so I don't think it should be too</p> <p>8 long, but I'm flexible.</p> <p>9 JUDGE HOFFMAN: And are you proposing</p> <p>10 post-hearing briefs simultaneously landing, or</p> <p>11 would the post-hearing briefs be in the nature of</p> <p>12 a motion, opposition and reply?</p> <p>13 MS. LARGENT: In my experience, I</p> <p>14 usually do simultaneous post-hearing briefs,</p> <p>15 where no one does replies, but flexible as well.</p> <p>16 MR. WOODFIELD: I concur with</p> <p>17 Ms. Largent on that. I think -- I think we do it</p> <p>18 30 days after, and we'd do concurrent filings</p> <p>19 with no replies.</p> <p>20 JUDGE HOFFMAN: Okay. I would</p> <p>21 reserve the right to ask for a reply if I found</p> <p>22 something that I got stuck on. Okay. But</p> <p>23 simultaneous.</p> <p>24 What about you, Mr. Robertson?</p> <p>25 MR. ROBERTSON: That's all fine with</p>	<p style="text-align: right;">Page 615</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 us.</p> <p>3 JUDGE HOFFMAN: Deb, when do you</p> <p>4 think that the record will be ready, without</p> <p>5 putting any expedited requirements on it?</p> <p>6 So the transcript will be out</p> <p>7 probably by April 25th.</p> <p>8 And so I guess I would propose</p> <p>9 opening briefs on May 20th.</p> <p>10 Well, it wouldn't be opening briefs,</p> <p>11 it would be a brief. Right?</p> <p>12 MS. LARGENT: Post-hearing.</p> <p>13 JUDGE HOFFMAN: Post-hearing, yes.</p> <p>14 The post-hearing brief would be on April 20th.</p> <p>15 MR. WOODFIELD: May 20th?</p> <p>16 JUDGE HOFFMAN: Yes. May 20th, by</p> <p>17 the close of business.</p> <p>18 Do counsel want to have a hearing</p> <p>19 after the briefs have been filed? I -- what I</p> <p>20 would propose is that I -- I'll ask for it if I</p> <p>21 feel like I need it. But otherwise, I don't</p> <p>22 think -- I don't think that it's going to be</p> <p>23 useful for me. We've got a very thorough record</p> <p>24 here, and the briefing has been exhaustive. So I</p> <p>25 don't think there's a reason for it, but I'll</p>
<p style="text-align: right;">Page 616</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 hear what you have to say on that.</p> <p>3 MS. LARGENT: It's nice of you to say</p> <p>4 exhaustive instead of exhausting.</p> <p>5 JUDGE HOFFMAN: I choose my words</p> <p>6 carefully.</p> <p>7 MR. ROBERTSON: I think from Tesla's</p> <p>8 perspective, that sounds fine. That's what we</p> <p>9 were going to suggest, actually, was just</p> <p>10 submitting the papers, and if there was anything</p> <p>11 you needed clarified, you could do that either</p> <p>12 through a reply or if you wanted to get us in a</p> <p>13 hearing, you could do that, but it would be at</p> <p>14 your discretion, Your Honor.</p> <p>15 JUDGE HOFFMAN: All right. Well,</p> <p>16 that sounds good.</p> <p>17 So May 20th, we'll start a 30-day</p> <p>18 obligation for me to produce a reasoned opinion</p> <p>19 and award in this case.</p> <p>20 I always usually make it a practice</p> <p>21 of issuing an interim award at the very end to</p> <p>22 allow parties to address any post-hearing issues.</p> <p>23 And I know the rules allow, for example, on</p> <p>24 consideration after the final award of an offer</p> <p>25 of judgment, for example, that might have been</p>	<p style="text-align: right;">Page 617</p> <p>1 Hansen v Elon Musk - Arbitration Day 3</p> <p>2 done in the case, or on some other application</p> <p>3 for fees and that sort of thing.</p> <p>4 And so the decision will be an</p> <p>5 interim award, and I will invite any additional</p> <p>6 information after that. And if fees and costs</p> <p>7 are expected for some reason, then that would be</p> <p>8 the opportunity to hear about that. So it will</p> <p>9 really be a two-stage process. The interim award</p> <p>10 will come out, and it will invite anything else,</p> <p>11 and then it will be a final award after that.</p> <p>12 MR. WOODFIELD: Right. Your Honor,</p> <p>13 may I ask, do you want a page limitation on the</p> <p>14 briefing?</p> <p>15 JUDGE HOFFMAN: I don't really want</p> <p>16 to set a page limitation, but I have -- I'm aware</p> <p>17 in writing some of these briefs myself, sometimes</p> <p>18 it's easy to cut and paste things that have been</p> <p>19 done before and then add to them, which creates a</p> <p>20 lot of redundancy. We've had a motion for</p> <p>21 summary judgment here, and I think the issues</p> <p>22 have been pretty -- I've tried to carefully</p> <p>23 narrow the issues to just a couple of causes of</p> <p>24 action. And so I would appreciate that you only</p> <p>25 go to those issues. Whatever you want to talk</p>

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2 about is fine, but I don't want to create an  
3 artificial limit on what you provide to me.  
4 We'll leave it at that, I think.  
5 MR. WOODFIELD: All right. And then  
6 in terms of the briefing, do you want the  
7 briefing on the liability and damages at this  
8 point, and if there is to be a finding on  
9 liability and damages, then a subsequent -- or  
10 a -- there would be an interim award or a  
11 subsequent briefing for fees and costs?  
12 JUDGE HOFFMAN: Exactly right.  
13 MR. WOODFIELD: Understood.  
14 JUDGE HOFFMAN: Okay, good. Well, I  
15 think we've got a plan here, then.  
16 Let me first thank our court  
17 reporter, Debbie, for being patient with us all  
18 and keeping us in line. And thank you for that.  
19 Mr. Hansen, thank you for your  
20 participation in this case. You are well  
21 represented, as is the other side, and I've heard  
22 the evidence and I feel like you've had your  
23 opportunity to be heard here, and that's  
24 extremely important. And so now I'll take the  
25 evidence and take all of the information and

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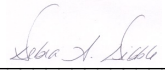
1 Hansen v Elon Musk - Arbitration Day 3  
2 JUDGE HOFFMAN: And, Ms. Braxton,  
3 Ms. Largent?  
4 MS. LARGENT: Nothing from us.  
5 Thank you.  
6 JUDGE HOFFMAN: Okay. It's been a  
7 pleasure, all. Thank you very much.  
8 (Time noted: 11:32 a.m. PDT)  
9 --oOo--  
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1 Hansen v Elon Musk - Arbitration Day 3  
2 write a reward -- or an award that will be  
3 understandable to both sides. So that's what's  
4 going to happen next.  
5 And finally, to counsel, thank you  
6 very much. You've been civil with each other,  
7 which I appreciate, and you've presented the case  
8 well. We got through the testimony with time to  
9 spare, and I'll spend that time reviewing my  
10 notes and getting ready for your post-hearing  
11 briefs.  
12 Anything further?  
13 MR. HANSEN: Thank you, Your Honor.  
14 MS. LARGENT: Thank you.  
15 MR. WOODFIELD: Thank you.  
16 JUDGE HOFFMAN: Mr. Woodfield, any  
17 final thoughts?  
18 MR. WOODFIELD: No, Your Honor. I  
19 appreciate it, and I appreciate the flexibility  
20 and not forcing us all to get on airplanes.  
21 JUDGE HOFFMAN: Yeah, you bet. You  
22 bet.  
23 Mr. Robertson, Ms. Dunne, anything?  
24 MR. ROBERTSON: No, nothing from us,  
25 Your Honor.

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1 Hansen v Elon Musk - Arbitration Day 3  
2 REPORTER'S CERTIFICATION  
3  
4 I, Debra A. Dibble, RDR, CRR,  
5 Notary Public, hereby certify that this  
6 transcript is a true record of the arbitration  
7 proceedings held in the foregoing matter on  
8 Wednesday, April 13, 2022.  
9 I further certify that I am  
10 neither counsel for, related to, nor employed by  
11 any of the parties or attorneys in the action in  
12 which these proceedings were taken; and, further,  
13 I am not a relative or employee of any attorney  
14 of record in these proceedings, nor am I  
15 financially or otherwise interested in the  
16 outcome of said proceedings.  
17 Subscribed and sworn to on  
18 this April 13, 2022.  
19  
20  
21  
22  
23  
24  
25

  
DEBRA A. DIBBLE  
NCRA Registered Diplomate Reporter  
NCRA Certified Realtime Reporter



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